

# Sworn Personnel

## Policies and Procedures Manual



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# **SWORN PERSONNEL POLICIES AND PROCEDURES**

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**POLICY AND PROCEDURE # i  
DISCLAIMER**

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*Last revised: 1/11*

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**POLICY AND PROCEDURE # ii**  
**AT-WILL EMPLOYEES**

All employees who are so designated by their respective City Council/Mayoral Appointee or by City Code are employed on an "at-will" basis and serve at the pleasure of their appointing authority. Other at-will employees include those working in a special, hourly, temporary, or probationary status.

**Employment Relationship**

The employment relationship between the City and its at-will employees is at the mutual consent of both parties.

- The City of Colorado Springs and the employee have the right to end the employment relationship at any time, with or without notice or cause.
- Employees who are separated by the City have no right or expectation to receive any pre-release or post-release proceeding, hearing or appeal, nor are they entitled to severance pay unless approved at the sole discretion of the Council/Mayoral Appointee in accordance with the Senior Manager At-Will Program initially approved by City Council August, 2000.
- At-will employees have no right to return to employment in a former City position or right to employment in any other City position.
- The at-will relationship established by the promulgation of this policy supersedes any prior oral, written or implied employment relationship.
- The at-will relationship established by this policy may not be altered by the parties unless there is a written agreement signed by the employee and the Mayor or Council/Mayoral Appointee to whom the employee reports. In the event of any contrary statement, oral or written, now or in the future, the at-will relationship established by this policy shall control.

**Applicability of City Policies and Procedures**

By virtue of their employment relationship with the City, at-will employees are exempt from policies and procedures specifically related to for-cause employees.

*Last revised: 1/18*

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**POLICY AND PROCEDURE # iii**  
**EQUAL EMPLOYMENT OPPORTUNITY STATEMENT**

The City of Colorado Springs is an Equal Employment Opportunity employer. The City of Colorado Springs will not tolerate any employee engaging in unlawful discrimination, harassment, or retaliation against any employee or applicant because of race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, genetic information, spousal or civil union status, veteran status, or any other status protected by applicable law.

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# Compensation

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**POLICY AND PROCEDURE # 1  
COMPENSATION**

**SALARY**

It is the goal of the City of Colorado Springs to provide an internally equitable and externally competitive compensation plan in order to attract and retain qualified employees.

**Civil Service Classifications**

Salaries for Civil Service classifications shall be published annually in the City's Salary Schedule and posted in the internet.

- **Standard Progression**

Unless hired under the lateral entry program, an employee will progress from Police or Fire Trainee, step 1 upon successful completion of the Training Academy. Such employee will progress from Firefighter or Police Officer 4th class, step 1 to step 2 upon successful completion of the initial evaluation period in accordance with the Rules of the Civil Service Commission. The standard interval for progression to steps 3 and 4 of each rank is 12 months of satisfactory service at the prior step. Pay raises commensurate with the published schedule for the standard progression will occur timely, assuming satisfactory performance and budget availability.

Employees hired as laterals, will receive a pay raise when they finish one year of service from the date of hire and then each 12 months until they reach Officer 1st class or firefighter, assuming satisfactory performance and budget availability.

- **Accelerated Progression**

An employee demonstrating accelerated job qualifications and proficiencies (as defined by the department), upon approval of the Chief/Deputy Chief, may progress to Officer step 3 and Officer step 4, or Firefighter step 3 and Firefighter step 4, between 6 and 12 months. Related accelerated compensation increases may not be retroactive and are contingent upon the availability of Department salary funds.

- **Extension and interruption of Probation**

The probation period for a newly hired or newly promoted employee may be extended in accordance with the Rules of the Civil Service Commission.

**Loss of License or Certification**

An employee shall immediately report the loss of a mandatory license or certification to his or her immediate supervisor and cease to function under the authority of such license or certification. The supervisor shall immediately report the loss of a mandatory license or certification by an employee through the chain of command, Human Resources (FD/PD), and Risk Management. The Chief will review the circumstances on a case by case basis and decide the appropriate

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action, which may include reassignment, separation, or the opportunity for the employee to obtain reinstatement of the license or certification within a period not to exceed 180 days.

**Pay upon Promotion or Demotion**

Pay upon promotion or demotion shall be determined by the salary for the new classification as published in the City's Salary Schedule.

**Paramedic Pro-Pay**

Lieutenants and Captains who hold Paramedic certifications are eligible for pro-pay consideration, a voluntary program designed to enhance Paramedic coverage within the Fire Department. Approval to participate in the program will be determined by the Fire Medical Division. Paramedic Pro-Pay shall continue until the individual removes him/herself from consideration, is no longer qualified due to rank, loss of required certifications, placement on a performance improvement plan, or lack of pro-pay funding.

**Exempt/Non-Exempt Classification**

An employee occupying a position allocated to an exempt classification is considered an exempt employee and does not adhere to a strict FLSA workweek. An employee occupying a position in other than an exempt classification is considered a non-exempt employee.

*Last revised: 4/17*

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**POLICY AND PROCEDURE # 2**  
**WORK SCHEDULE**

The normal work year for 40-hour shift Police and Fire personnel consists of 2080 hours divided into work periods varying in length from 7 to 28 days. The normal workday consists of 8 - 10 consecutive hours in any 24-hour period.

The normal work year for 24-hour Fire personnel consists of an average of 2912 hours divided into 9 day work periods. The normal workday consists of 24 consecutive hours.

The normal work year for non-shift police and fire personnel consists of 2080 hours divided into 52 forty-hour weeks.

Employees may be required to work more than the normal work year, work period, or workday to meet operational requirements.

**FLSA Work Period**

The Chief shall establish the work periods based on operational requirements. Any changes in work period shall comply with the Fair Labor Standards Act (FLSA) and shall be announced in writing 30 days in advance of implementation.

**Meal Periods and Breaks**

All non-exempt Sworn personnel receive paid meal periods and breaks, unless assignment permits an unpaid meal period.

**Accommodations for Nursing Mothers**

A private area, other than a bathroom, free from intrusion and shielded from view will be provided, and reasonable time will be permitted for employees to express milk during the workday for up to two years following the birth of a child. The time permitted will typically run concurrently with the time already provided for meal periods and breaks. If the meal periods and breaks cannot run concurrently and/or additional time is needed, the employee's supervisor and the employee will agree upon an appropriate schedule. The City will make a reasonable effort to identify a location within close proximity to the work area for the employee to express milk.

*Last revised: 9/18*

**POLICY AND PROCEDURE # 3**  
**OVERTIME**

All employees may be required to work in excess of the normal work schedule. Supervisors are encouraged to minimize those occasions that place employees in a situation where they are required to work extensive consecutive hours of overtime. Compensation for overtime shall comply with all federal, state and/or local rules and regulations. Any unwritten policies or practices that are inconsistent with the Fair Labor Standards Act (FLSA) are expressly rescinded.

**Definitions**

- **Hours Paid** includes all hours designated on the time record as paid time under a policy included in this policy manual. Hours Paid therefore includes hours taken as vacation, sick, holiday, funeral leave, jury leave, compensatory time off and other leaves identified under Policy #15 as Leaves of Absence (Paid).
- **Hours Worked** includes all hours actually worked. Hours worked does not include hours taken as vacation, sick, holiday, funeral leave, jury leave, performance award time off, compensatory time, paid leave used for work absence due to sick purposes when sick leave is exhausted, other paid leave or unpaid leaves of absence.
- **Fire Mandatory Overtime Hours** are the regularly scheduled 4 hours (from 68 to 72 hours) worked during a 9-day work period by sworn fire personnel.

**Normal Work Schedules**

- Fire sworn - 24-hour shifts for a total of 72 hours during a 9-day work period.
- Police sworn - 40 hours per week for a total of 160 hours during a 28-day work period.

**Rates of Pay**

Non-exempt employees will be compensated at the appropriate overtime rate for Hours Worked in excess of the Normal Work Schedule. Overtime can be paid at the regular hourly rate of pay or 1½ times the regular rate of pay depending on hours worked during the work period.

Fire Mandatory Overtime Hours are compensated at half the hourly rate and the pay is not reduced by paid leave usage.

Time worked for special events may never be paid at 2 times the regular rate, regardless of when the work occurs during the employee's Work Schedule. An employee may not adjust their Normal Work Schedule to accommodate working a special event unless approved by a supervisor.

**Overtime Calculation Period**

Although Police sworn personnel work a 28-day work period, the review period for overtime calculation and eligibility occurs every two weeks (80 hours).

Fire personnel work a 9-day work period, and overtime is calculated following completion of the work period.

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### **Overtime Approval**

All overtime hours must be approved in advance by the immediate supervisor or designated authority, except hirebacks and other activities identified by the Chief, as approved overtime.

### **Scheduled Overtime Compensation**

If Scheduled Overtime does not begin immediately prior to or after the employee's Normal Work Schedule, the employee will be compensated for a minimum of two hours at the appropriate rate. If scheduled overtime is canceled prior to the employee reporting to work, the employee will not be compensated.

### **Court Time Compensation**

Court Time includes scheduled court appearances for sworn Police and Fire personnel in connection with job assignment. Unless expressly governed by approved department policy, Court Time that falls outside the employee's Normal Work Schedule will be compensated at 1 ½ times the regular hourly rate for actual hours spent at court above Hours Paid during the Normal Work Schedule or the appropriate Overtime Calculation Period.

### **Grant Time**

Grant Time includes hours worked by sworn Police personnel that are compensated through grants. Grant Time is paid at the appropriate overtime rate when Grant Time hours exceed Hours Worked during the employee's Normal Work Schedule or appropriate Overtime Calculation Period.

### **Extra Duty Time**

- Extra Duty Time for the City (Extra Duty Overtime) includes time worked for the City in response to internal requests from various Departments. Extra Duty Time for the City is paid at 1½ times the regular hourly rate and is not included in Hours Worked.
- Extra Duty Time for private employers (Extra Duty) is time charged to outside agencies that want to hire extra duty Police Officers. The fee for this Extra Duty Time is set by the Mayor annually. Extra Duty Time for private employers is not included in Hours Worked.

### **Hirebacks**

An employee who elects to work additional hours as a Hireback will be compensated at the appropriate overtime rate for the Hours Worked in excess of the relevant Work Schedule. Overtime commences after Hours Worked exceeds the time designated as the Normal Work Schedule above, which includes Mandatory Overtime Hours.

### **Overtime While Traveling**

A non-exempt employee who is required to travel to a temporary job site or a directed training site will be compensated in accordance with the Fair Labor Standards Act.

### **Overtime Distribution**

Management shall use their best efforts to distribute the opportunity to work overtime among qualified employees within the operational requirements of the department and the work that needs to be performed.

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### **Release from Duty**

A non-exempt employee's Normal Work Schedule shall not be reduced without prior notice for the sole purpose of avoiding overtime compensation for hours that have been worked. The immediate supervisor may notify the employee in advance of the employee working hours that will result in overtime that the employee's Normal Work Schedule may be changed in order to avoid the potential overtime situation.

### **Overtime Refusal**

An employee who is required to work overtime and refuses is subject to disciplinary action, up to and including termination.

### **Compensation for Routine Care, Cleaning and Maintenance of Firearms, Ballistic Vest and Uniforms**

Overtime or compensatory time as compensation to Police for routine care, cleaning, and maintenance of firearms, ballistic vest, and uniforms will be provided as follows:

- 30 minutes per pay period may be requested without prior supervisory approval;
- Officers and Sergeants must record and submit their timesheet in the time management system;
- Officers and Sergeants must actually work at least 40 hours in a 14-day pay period to be entitled to any overtime or compensation time for these tasks.
- Officers and Sergeants must be eligible for overtime in the pay period to receive overtime pay or comp time.

Fire personnel have access to washer and dryer facilities at all fire stations and are expected to use these while on shift for uniform maintenance and so will not be compensated for uniform maintenance performed on personal time.

### **On Duty Time for Cleaning and Maintenance of Leather Gear**

If an Officer or Sergeant chooses to wear a leather belt with leather attachments and/or leather footwear, the Officer or Sergeant shall be given a reasonable amount of time on duty to clean and maintain these items with supervisor approval and the Officer or Sergeant will not complete these tasks outside the Normal Work Schedule.

### **Release From Work**

For employees who have worked extensive overtime, the immediate manager/supervisor may send an employee home or direct the employee to report to work late when, in the manager/supervisor's sole judgment, the employee's lack of adequate rest poses safety risks to the employee or co-workers. When an employee is released from work pursuant to this policy, scheduled Normal Work Hours not worked by the employee shall be paid at the regular hourly rate of pay.

*Last revised: 9/18*

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**POLICY AND PROCEDURE # 4**  
**COMPENSATORY TIME OFF**

A non-exempt sworn Police employee who is eligible for overtime compensation, upon approval of the immediate supervisor, may elect to accrue compensatory time off in lieu of payment for overtime. All compensatory time must be recorded. Compensatory time off shall accrue at the appropriate overtime rate. Use of compensatory time off must be approved in advance by the immediate supervisor.

Sworn Fire employees are not eligible for compensatory time off.

**Maximum Balance**

The maximum balance shall not exceed 80 hours. Overtime hours worked in excess of that amount shall be paid at the appropriate overtime rate. The City reserves the right to direct an employee to take accrued compensatory time off. There is no annual payout requirement, but the City may offer annual payout on a voluntary basis.

**Payment Upon Separation**

Non-exempt employees, separating from employment with the City of Colorado Springs, will be paid for all accrued compensatory time. Compensatory time off is banked at the appropriate overtime rate, therefore payment will be at the base hourly rate.

*Last revised: 9/18*

**POLICY AND PROCEDURE # 5**  
**ACTING AND LONGEVITY PAY**

Acting pay is additional compensation for temporary assignment of more than one full shift to a position of increased responsibility requiring supervision of employees or of an operation.

**Rates of Pay**

Acting pay may be authorized up to 10 percent of the assigned non-exempt employee's base salary for periods of one or more workdays. For exempt employees, acting pay is 10 percent of the employee's base hourly salary for periods of four consecutive weeks or more. A Lieutenant acting as Captain will be eligible for acting pay after four consecutive weeks in assignment. Fire Department employees working in the capacity of acting lieutenant, or relief driver in excess of 4 hours receive acting pay. When combined with the employee's base hourly pay acting pay may not exceed the salary of the next promoted rank.

Acting pay for an employee assigned to a classification in pay bands 1 or 2 shall be determined by the Chief.

**Longevity Pay**

An employee shall receive longevity pay of \$20 per month beginning with the sixth year of continuous Civil Service employment. This longevity pay shall increase at a rate of \$4 per month at the beginning of each subsequent year of employment until a maximum of \$100 per month is reached. The calculation for payment under the City's biweekly payroll policy is illustrated in the following table.

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<b># Years</b>	<b>Monthly Longevity</b>	<b>Biweekly Calculation</b>
<b>5</b>	<b>20</b>	<b>9.23</b>
<b>6</b>	<b>24</b>	<b>11.08</b>
<b>7</b>	<b>28</b>	<b>12.92</b>
<b>8</b>	<b>32</b>	<b>14.77</b>
<b>9</b>	<b>36</b>	<b>16.62</b>
<b>10</b>	<b>40</b>	<b>18.46</b>
<b>11</b>	<b>44</b>	<b>20.31</b>
<b>12</b>	<b>48</b>	<b>22.15</b>
<b>13</b>	<b>52</b>	<b>24.00</b>
<b>14</b>	<b>56</b>	<b>25.85</b>
<b>15</b>	<b>60</b>	<b>27.69</b>
<b>16</b>	<b>64</b>	<b>29.54</b>
<b>17</b>	<b>68</b>	<b>31.38</b>
<b>18</b>	<b>72</b>	<b>33.23</b>
<b>19</b>	<b>76</b>	<b>35.08</b>
<b>20</b>	<b>80</b>	<b>36.00</b>
<b>21</b>	<b>84</b>	<b>36.92</b>
<b>22</b>	<b>88</b>	<b>38.77</b>
<b>23</b>	<b>92</b>	<b>40.62</b>
<b>24</b>	<b>96</b>	<b>44.31</b>
<b>25</b>	<b>100</b>	<b>46.15</b>

*Last revised: 1/18*

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**POLICY AND PROCEDURE # 6**  
**SHIFT DIFFERENTIAL**

Certain functions of the City of Colorado Springs require 7 day, 24 hours/week operations. Employees who staff those functions may be eligible for some or all of the following shift differentials in addition to their base hourly rate. The shift differential shall be paid for actual hours worked on the scheduled shift. The rate shall be determined by the established rate for the designated shift on which the hours were worked.

Designated shifts shall be determined by the preponderance of the scheduled hours in the following time periods:

- Shift 1 - 8:00 a.m. - 4:00 p.m.
- Shift 2 - 4:00 p.m. - Midnight
- Shift 3 - Midnight - 8:00 a.m.

The higher rate will apply when the scheduled hours worked are evenly split between 2 of the above shifts. Shift differential rates are recommended by the Mayor and approved in the annual budget by City Council.

An employee filling in for an absent shift worker or temporarily assigned to Shift 2 or Shift 3 will not qualify for shift differential arising from the temporary shift for changes lasting less than a full pay period.

**Trading Shifts**

Fire Department employees may trade shifts in accordance with the Fair Labor Standards Act and written, approved department policy.

*Last revised: 4/17*

**POLICY AND PROCEDURE # 7**  
**STANDBY STATUS**

**Standby**

Operational necessity of the City may require that an employee be on standby awaiting a call out for return to work.

All standby duty must be authorized by a supervisor and the affected employee must be notified of the standby period. Whenever operationally expedient, a standby schedule shall be available in the respective department. An employee who is placed on standby must be available for contact by pager or telephone. During the standby period, the employee is able to engage in non-work related activities except for activities that would render them incapable of responding to the call out.

Upon call out, the employee is expected to be capable of performing assigned duties and is to respond in accordance with department/division instructions. Call out may require, but is not limited to, a return to the work site, teleworking, or providing assistance via the telephone. An employee who is placed on standby and is not available for call out, or is incapable of performing their assigned duties may be subject to disciplinary action.

**Rate of Pay While on Standby**

- **Non-exempt:** For each 7-day period a non-exempt employee is assigned to standby status, the employee may elect to either be paid for 3 hours of additional pay at the employee's base hourly rate or accrue 3 hours of compensatory time off. For a single day a non-exempt employee is assigned to standby status, the employee may elect to either be paid for 1/2 hour of additional pay at the employee's base hourly rate or accrue 1/2 hour of compensatory time off.
- **Exempt:** Exempt employees, except as authorized in writing by the Chief with approval from Human Resources, will not be compensated for standby hours.

**Rate of Pay When Called-Out from Standby**

- **Non-exempt:** A non-exempt employee shall be compensated for hours worked, including one-hour round trip travel time, at the appropriate overtime rate. Standby compensation is interrupted by call-out.
- **Exempt:** An exempt employee who is authorized for standby pay shall continue to receive standby pay, unless the employee is also authorized overtime pay.

*Last revised: 1/18*

**POLICY AND PROCEDURE # 8**  
**EMERGENCY CALL-OUT**

All employees are subject to emergency call-out without prior notice. Contrary to standby, emergency call-out is not scheduled and assigned, but may become operationally necessary. An employee is not expected to curtail activities and is not eligible for additional compensation prior to the emergency call-out. When such an emergency call-out requires a non-exempt employee to make an additional round-trip to a work site, one hour of pay at the appropriate overtime rate shall be paid.

An employee shall be required to ensure that the immediate supervisor has a working telephone number by which the employee may be contacted during an emergency.

**Availability**

An employee who refuses to respond to such call-out without good cause may be subject to disciplinary action, up to and including termination.

*Last revised: 4/17*

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# Benefits

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**POLICY AND PROCEDURE # 9  
HOLIDAYS**

The City of Colorado Springs will make available various employee benefit programs with the goal of attracting and retaining a quality workforce.

**Holidays**

40-hour employees shall receive City-observed holidays off with pay, unless designated by the Chief to be credited with 80 hours of additional personal holiday time in lieu of City-observed holidays.

24-hour personnel shall annually be credited with 123.2 hours holiday pay/additional personal holiday time in lieu of City-observed holidays. 64 hours will be paid in cash, 35.2 hours will be added to vacation time and the remaining 24 hours will be added to personal holiday bank.

24 hour personnel injured off duty and who have converted their 56 hour work week to a 40 hour work week light duty assignment, will continue to receive 6.4 hours per holiday while on this work schedule and will observe City holidays in the same manner as Sworn Staff employees.

**Personal Day**

In addition to the observed holidays, after 12 months of Civil Service employment, all employees eligible for paid holidays shall receive one 8-hour personal day each year. The personal day must be taken at a time mutually agreeable to the supervisor and the employee. The personal day may not be carried over to the next year. When departments credit 88 hours of additional personal holiday credit time, 8 hours of the 88 constitutes the employee's personal day.

**Use of holiday and personal day upon resignation or retirement**

City holiday and personal day cannot be utilized after the resignation or retirement date. An employee's resignation or retirement date is the actual last day that the employee is physically at work unless previously approved by the Chief Human Resources Officer due to exceptional circumstances. For example, an employee submits their resignation with July 4<sup>th</sup> as their last day of work. Since the employee was not physically at work on July 4<sup>th</sup> a City holiday, their resignation date is July 3<sup>rd</sup> and the employee will not receive pay for the July 4<sup>th</sup> holiday in their final paycheck.

Employees are not paid for their unused personal day upon resignation or retirement. With coordination of the supervisor, employees may take their personal day prior to the resignation or retirement date; but they may not take the personal day on or after their resignation or retirement date.

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**POLICY AND PROCEDURE # 10  
VACATION**

Regular and probationary employees shall accrue paid vacation for years of continuous employment according to one of the following schedules:

<b>Years of Continuous Employment</b>	<b>Hours Accrued Biweekly</b>	<b>Annual Entitlement</b>
<b>40-Hour Police</b>		
0 - 5 years	3.6996	96
6 - 10 years	4.31112	112
11 - 15 year	5.23136	136
16th and subsequent years	6.15160	160
<b>40-Hour Fire</b>		
0 - 5 years	3.6996	96
6 - 10 years	4.00104	104
11 - 20 years	5.85152	152
21st and subsequent years	6.15160	160

Beginning with the 11th year of sworn employment, an employee under either of the above schedules may elect to sell back one time during each calendar year up to 40 hours of vacation in lieu of taking time off.

The sell back election must be made in writing before the beginning of the year when the vacation hours to which the election applies are earned and sold back (i.e. election must be made annually by December 31 to sell hours earned in the following year). This election is irrevocable once it is made. Such sell back is computed on base hourly salary plus longevity pay and cannot be paid out until after hours are accrued during the year to which the election applies.

For Fire Department employees, vacation sell back may not occur more than twice in an 18 month period. For Police Department employees, vacation sell back may not occur within 12 months of the last sell back payout.

### **24-hour Fire**

Personnel hired prior to January 1, 2011 shall accrue 7.38472 hours bi-weekly for an annual rate of 192.00272 hours, which includes 35.2 hours of holiday time.

Personnel hired on or after January 1, 2011 shall accrue vacation hours that include 35.2 hours of holiday time annually according to the following schedule:

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<b>Years of Continuous Employment</b>	<b>Hours Accrued Biweekly</b>	<b>Annual Entitlement</b>
<b>56-Hour Fire</b>		
<b>0 - 5 years</b>	6.53332	169.866400
<b>6 - 10 years</b>	6.95534	180.838816
<b>11 - 20 year</b>	7.39214	192.195616
<b>21<sup>st</sup> and subsequent years</b>	7.81225	203.118528

Beginning with the 11th year of sworn employment, an employee assigned to the 24-hour shift schedule shall annually receive an additional 56 hours of pay in lieu of paid time off. Such pay is computed on base hourly salary plus longevity.

### **Battalion Chiefs**

Battalion Chiefs accrue an additional 3 shifts of vacation or an annual total of 264 hours.

### **Transfer**

Employees transferring from 40-hour to 24-hour status will have their current vacation and sick leave multiplied by 1.4. Vacation and sick leave balance for transfers from 24-hour to 40-hour status will be divided by 1.4.

### **Approval**

Vacation may be utilized only with the prior approval of the immediate supervisor.

### **Carry-Over**

Vacation carry-over into the following year may not exceed the employee's year-end annual entitlement plus 40 hours, or 56 hours in the case of 24-hour employees. An employee not granted vacation due to operational requirements or injury leave resulting from an on-the-job accident, and as a result stands to lose vacation at year's end, may be paid for such vacation hours that will be lost or request permission to carry additional hours over into the following year.

The Chief or designee must approve requests for additional vacation carry-over in writing and, if approved, such additional carry-over hours must be utilized in the following year or they will be lost.

### **Sick Leave during Vacation**

Should an employee become ill or injured while on vacation, the employee may exchange vacation hours for sick leave hours. The employee must notify the immediate supervisor at the time of the illness or injury. The immediate supervisor may request that the employee bring a physician's statement specifying the nature of the illness or injury and releasing the employee to return to work.

### **Vacation Paid At Separation**

At separation, employees shall be paid all accrued vacation at the base hourly salary. In the case of death, such accrued vacation shall be paid to the employee's partner in marriage pursuant to the

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provisions of the “Uniform Marriage Act, “Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the “Colorado Civil Union Act,” Article 15 of Title 14 (“Spouse”) or, should there be no surviving spouse, to the employee's estate.

#### **Use of vacation upon resignation or retirement**

Vacation cannot be utilized after the resignation or retirement date. An employee's resignation or retirement date is the actual last day that the employee is physically at work unless previously approved by the Human Resources Director due to exceptional circumstances. For example, an employee's last day of physically being at work is August 10th. The employee then wants to take two weeks of vacation until their retirement date of August 24th. The employee's last day of being physically at work was August 10th; therefore the employee's retirement date is August 10th and any unused vacation will be paid in the final paycheck.

#### **Vacation Donation**

Employees may voluntarily donate their vacation time to the vacation donation pool. Donated vacation hours will be used for employees who have non-job related illness or injury of the employee or their immediate family member has exhausted the recipient's paid sick leave, vacation, personal holiday, etc. Sick leave cannot be donated. Vacation Donation is covered in City of Colorado Springs Civilian PPM #20 Vacation Donation.

#### **Concurrent Use of Vacation and Short Term Disability**

Employees may supplement short-term disability payments with accrued leave. While on FMLA leave, employees must supplement time not covered by short-term disability with paid time/paid leave. Under no circumstances will an employee receive a combination of short-term disability payments and accrued leave which exceeds 100% of the employee's normal gross base pay.

*Last revised: 01/2021 – 20-662*

**POLICY AND PROCEDURE # 11**  
**SICK LEAVE**

The City of Colorado Springs provides sick leave for employees to promote health and wellness. It is important to the organization that employees are able to take the time they need to care for themselves or their families during illness or injury. Employees must use paid sick leave for qualifying reasons prior to taking other leave types or leave without pay unless an exception is made by the Department Head and Chief Human Resources and Risk Officer (unless State or Federal laws allow or require differently).

An employee on personal sick leave shall not perform any activities, including other employment, self-employment, sports, hobbies, etc., which may impede recovery from the injury/illness.

Accrual of Sick Leave

Forty-hour regular and probationary employees shall accrue sick leave at the rate of 9.33 hours per month of continuous employment. Sick leave may be accrued to a maximum of 1056 hours, plus current year accrual.

24-hour regular and probationary employees shall accrue sick leave at the rate of 13.07 hours per month of continuous employment. Sick leave may be accrued to a maximum of 1479 hours plus current year accrual.

Employees transferring from 40-hour to 24-hour status will have their current vacation and sick leave multiplied by 1.4. Vacation and sick leave balance for transfers from 24-hour to 40-hour status will be divided by 1.4.

Healthy Families and Workplaces Act

The first 48 hours of sick leave used per calendar year falls under the Healthy Families and Workplaces Act (HFWA). Under the HFWA, employees may use sick leave for absences caused by illness, injury, temporary disability (including pregnancy), medical exams or medical treatment, certain reasons related to domestic abuse (reference Policy #23 Leave of Absence), or due to a public health emergency in which a public official has ordered closure of the employee's place of business or school or place of care of the employee's child and the employee needs to be absent from work to care for the employee's child.

This leave may be used for the employee or the employee's family member including family members related by blood, marriage, civil union, common law marriage, adoption, a child to whom the employee stands in loco parentis or a person who stood in loco parentis to the employee when

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the employee was a minor, and any person whom the employee is responsible for providing or arranging health or safety related care.

In the event of a public health emergency as defined in the HFWA, employees may be granted up to an additional 80 hours of paid sick leave in accordance with and for the purposes stated in the HFWA.

### Physician's Statement

During the first 48 hours of sick leave during a calendar year, a physician's statement supporting the use of sick leave and/or the ability to return to work may be required by the employee's immediate supervisor or manager after the employee has been on sick leave for at least four consecutive work days. A physician's statement may be required by Human Resources as permitted by FMLA and is not subject to the four consecutive work days limitation mentioned above.

### General Sick Leave Policies

After the first 48 hours of sick leave is used in a calendar year, employees may only utilize sick leave for mental or physical illness, injury, serious health condition, temporary disability (including pregnancy), medical exams or medical treatment unless otherwise limited by policy (reference Policy #30 Worker's Compensation and Policy #26 Family Medical Leave/Family Care Act).

To be eligible for paid sick leave, the intended use of sick leave must be reported to the immediate supervisor a minimum of one hour prior to the start of each scheduled workday or prior to leaving the work site. In the case where treatment, surgery, or other regimen are scheduled in advance, at least 30 days-notice must be given to the supervisor, or as soon as practicable. If the employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have another party contact the supervisor. An employee who fails to give proper notification may be subject to disciplinary action. The Chief, in the case of an extended illness, may grant an exception to this policy.

### Sick Leave for Family Care

After the first 48 hours of sick leave is used annually, employees may utilize up to 12 weeks of accrued sick leave per calendar year for the care of an immediate family member's illness, injury, serious health condition, temporary disability (including pregnancy), medical exams or medical treatment. Immediate family is defined as spouse, parent, guardian, child, brother, sister, grandparents, or grandchild, as well as these relatives in-law, step or half, or any other family member residing in the employee's household. Employees married under common law rules are required to have an approved common law affidavit on file with Benefits and Wellness in order to utilize sick leave to care for common law family members.

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### Physician's Statement

An employee's supervisor or manager may request a physician's statement supporting the use of sick leave and/or the ability to return to work any time an employee uses sick leave after their first 48 hours of sick leave in a calendar year. The supervisor should consult with Human Resources prior to requesting a physician's statement for absences to verify use of the first 48 hours of sick leave and to determine whether the absence is FMLA or ADA related.

### Options Upon Sick Leave Exhaustion

Employees must use their accrued sick leave for the reasons listed above prior to using any other type of paid leave. When accrued sick leave, accrued vacation, accrued personal holiday time, accrued compensatory time, and award time have been exhausted, the employee may request the following:

- Sick Leave Advance: Up to 240 hours of sick leave with pay may be advanced to full-time and part time regular, probationary and special employees upon the approval of the Department Head and Human Resources. If an employee separates from City employment prior to completing the repayment, the remaining amount will be deducted from the final paycheck or repaid in accordance with arrangements made through the Finance Office. Sick leave advance is not available for Worker's Compensation leave.
- Sick Leave Without Pay: Sick leave without pay may be granted when illness, injury, or convalescence has exhausted all paid leave. An employee request for such leave must include a physician's prognosis and estimated date of return. Prior to return, an employee must provide Human Resources a physician's statement certifying that the employee is released to resume assigned duties.
- In some circumstances, employees may be eligible for vacation donation upon leave exhaustion. Refer to policy 20 – Vacation Donation, for more information on this topic.

After considering the specifics of the employee's request and the impact of the employee's continued absence on the operations, the employee's supervisor, in consultation with Human Resources, may approve the request or separate the employee, subject to FMLA or other legal requirements. Managers are required to consult with Human Resources for guidance concerning granting requests for sick leave without pay.

### Reassignment After Sick Leave Without Pay

Employees returning from a period of sick leave without pay who cannot perform the essential functions of their position should refer to Policy #34, Americans with Disabilities Act (ADA) and Pregnancy Accommodations, and follow the outlined procedures, if applicable.

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### Holidays During Sick Leave

For all employees who work an annual schedule of 2080 hours, holidays observed by the City that fall within a period of sick leave shall not be charged as sick leave. In cases where the length of the employee's normal workday exceeds that of the holiday, the hours in excess of the holiday shall be charged to sick leave.

### Payment For Unused Sick Leave Upon Termination, Retirement, or Death

Employees eligible for sick leave accrual on or before 12/31/10: Upon retirement the employer will make a contribution to the Retirement Health Savings Plan (RHS) for accumulated sick leave, not to exceed 720 hours, or 1008 hours for a 24-hour employee. Retirement is separation from employment for reasons of age and service or medical condition for which the employee is eligible to receive an immediate pension benefit from a City pension plan. To be considered retired, the employee must also have made application for retirement prior to the date of separation.

For employees who elect to receive a deferred vested pension and who have at least 20 years of covered service, the following will occur upon termination:

- The employer will make a contribution to the Retirement Health Savings (RHS) plan for accumulated sick leave, not to exceed 720 hours or 1008 hours for a 24-hour employee.
- Employees will be eligible to start using the RHS on the date that they are retirement eligible. Employees with full coverage insurance provided by a spouse or other employment will be excluded from the mandatory RHS plan.
- Cash payments shall be made at the rate of base pay at the date of termination or retirement and shall not include longevity or other extra compensation. No pension fund deductions shall be made.

In the event of death, the employee's estate will be paid for eligible accrued sick leave. Contributions will not be made to the RHS plan for the employee's estate.

Employees hired or rehired after 12/31/10: These employees are not eligible for unused sick leave upon termination, retirement or death.

*Last revised: 01/2021 – 20-662*



**POLICY AND PROCEDURE # 12**  
**INSURANCE**

The City provides benefit coverage that is designed to be competitive with its labor markets and supports efforts to attract and retain employees. Enrollment, eligibility, participation requirements, plan restrictions, procedures, etc., shall be in accordance with the provisions of the various benefit plans.

Benefit plans are reviewed on a regular basis and subject to change annually. The City currently offers plans in the following areas for regular, probationary, and special employees:

- Health Care
- Dental
- Vision
- Long-term Care
- Flexible Spending Accounts
- Life Insurance
- Voluntary Term Life
- Short-term Disability
- Long-term Disability
- Retirement Health Savings Plan

**Part-time Employee Benefits**

Regular, probationary, or part-time employees who are employed to work a minimum of 20 hours, but less than 30 hours, per week shall be eligible for the employer paid benefit premiums according to established schedules. Employees working 30 hours or more per week are eligible for the same employer paid premiums as full-time employees.

**Survivor Benefits**

The enrolled partner in marriage pursuant to the provisions of the “Uniform Marriage Act, “Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the “Colorado Civil Union Act,” Article 15 of Title 14 (“Spouse”) and eligible children of a regular full-time, regular part-time, or probationary employee, who dies while actively employed will be provided 100% employer paid medical benefits for 90 days. After 90 days, the family may elect COBRA coverage for up to 36 months.

The enrolled spouse and eligible children of an employee who is killed in the course and scope of their duties and responsibilities on behalf of the City will be provided 100% employer paid medical, dental and vision benefits for one (1) year. After one (1) year, the family may elect COBRA coverage for up to 36 months.

If the deceased employee was eligible to retire and the death is employment related, health care coverage may be continued for eligible dependent children and surviving spouse as though the employee retired. Such coverage may continue in accordance with provisions of the Medical Summary Plan Description.

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**Life Insurance**

Upon retirement, the City will continue to provide, without cost to the employee, group term life insurance of \$3,000. Dependent coverage is not available at retirement. Retirement is separation from employment for reasons of age and service or medical condition for which the employee is eligible to receive an immediate pension benefit from a City pension plan. To be considered retired, the employee must also have made an application for retirement prior to the date of separation.

**Unemployment Insurance**

The State of Colorado Employment Security Act provides that a separated employee may apply for unemployment benefits. The State of Colorado determines eligibility and amount of compensation. The City pays the entire cost of this benefit.

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**POLICY AND PROCEDURE # 13**  
**HIPAA POLICY AND PROCEDURE**

The City of Colorado Springs complies with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) relating to the privacy requirements for Protected Health Information (PHI). This policy defines how Protected Health Information (PHI) obtained by the City during the employment relationship with an employee will be used and who will have access to the information.

**Definitions**

- **Protected Health Information (PHI):** PHI includes individually identifiable health information relating to a specific employee or dependent, that is maintained or transmitted in any form to a healthcare provider, group health plan or to which the City may have access.
- **Privacy Officer:** The Director of Human Resources serves as the Privacy Officer in the organization and is assigned to ensure that the City is in compliance with all federal and state laws regarding privacy of PHI. The Privacy Officer may be contacted at 30 South Nevada, Suite 105, Colorado Springs, CO 80903.

**General Policy**

The City understands that medical information about employees and their dependents health is personal and confidential. It is the policy of this organization to limit the use of PHI to the extent necessary to make our benefits effective. Under HIPAA regulations permitted use and disclosure is limited to treatment, payment, or operation (TPO) of the health plan(s). PHI cannot be used or disclosed for any other purpose without prior written authorization by the individual. City Human Resources staff may be exposed periodically to PHI, such as during benefits enrollment, assisting employees with claims processing, plan interpretation or medical leave. The City will, to the extent required by law:

- Keep medical information that identifies an employee confidential;
- Disclose or use medical information only for the purpose of treatment, payment or operation of the health plan(s) or if properly authorized to be used for another purpose permitted by law or regulation;
- Provide employees notice of the City's privacy practices;
- Train employees exposed to PHI regarding proper handling of the information;
- Inform employees of their right to inspect and copy medical information; and
- Require that all business agents that process or have access to PHI comply with the privacy requirements of HIPAA.

**Privacy Officer Duties**

The Privacy Officer will be responsible for the functions of auditing, training, record keeping, corrective action, and receipt of requests and exercise of employee rights, and receipt of notices from employees and/or enforcement agencies.

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### **Right to Inspect and Copy**

Employees have the right to inspect and copy PHI maintained by the employer, to the extent required by law. The Privacy Officer will be responsible for maintaining all records of such requests to inspect or copy.

- **Request to Review:** Employees must submit a formal request in writing to the Privacy Officer to review Private Health Information. If possible, the type of information requested should be listed.
- **Time of Review:** A mutually agreeable time will be set up to review the information in the presence of the Privacy Officer.
- **Copies of Information:** A fee of five cents per copy will be charged for all copies of documents requested.
- **Denial:** A request may be denied as governed by HIPAA. Upon a denial, the city will inform the employee of the basis of the denial and, if applicable, a statement regarding how to obtain a denial review and a description of the complaint filing procedures.

### **Right to Amend**

An employee, who feels that the PHI maintained by the City is incorrect or incomplete, may ask to have the file amended for as long as it is maintained. The Privacy Officer will be responsible for maintaining all records of such requests to amend.

- **Request to Amend:** This request must be in writing and submitted to the Privacy Officer along with a reason for the request.
- **Denial of Request:** A request may be denied as governed by HIPAA. Upon a denial, the City will inform the employee of the basis for the denial. The City will also provide a statement that the individual has the right to submit a written statement disagreeing with the denial and how the statement may be filed. If a statement of disagreement is not filed, the employee may ask the City to provide (1) a copy of the amendment request with any future PHI disclosure; and (2) a description of the complaint procedures used by the City and Health and Human Services.

### **Violation of Policy**

Employees who violate this policy will be subject to discipline up to and including discharge.

*Last revised: 4/17*

**POLICY AND PROCEDURE # 14**  
**LEAVE OF ABSENCE (PAID)**

Leaves-of-absence shall be approved in advance by the Chief/Deputy Chief.

**Jury Leave Policy**

An employee who is called to jury duty shall be granted jury leave-of-absence. Upon return to work, the employee must submit the Juror Service Certificate (or other appropriate proof of jury service) in order to ensure proper completion of payroll records.

- **Full-time Employees**

Full-time and probationary employees who are called to jury duty shall be granted jury leave-of-absence and shall be compensated for scheduled hours not worked the first 3 days on jury duty. Such compensation will continue for the fourth day of service and each day thereafter provided jury pay received from the court is surrendered to the Controller's Office.

- **Shift Workers**

In the case of a shift worker called for jury duty, the immediate supervisor shall make an appropriate accommodation to the employee's work schedule when, in the supervisor's judgment, performing both jury service and the normal work schedule would affect the employee's ability to properly perform such jury service or job duties.

- **Part-time Employees**

Part-time regular or probationary employees who are called to jury duty shall be granted jury leave-of-absence and shall be compensated for scheduled hours not worked for the first 3 days on jury duty. For the fourth day of service and each day thereafter the employee may choose either the jury pay provided by the court or their regular pay. If the employee elects to receive regular pay, the jury pay received from the court must be surrendered to the Controller's Office.

- **Standby Jury Duty**

If an employee is placed on standby by the Court for possible call to jury duty that employee shall report to work, and the immediate supervisor will make accommodations if necessary for the employee to be near a phone and have ready access to personal transportation if called to jury duty.

- **Release from Jury Duty**

Employees released from jury duty during the normal work schedule must return to work.

**Funeral Leave Policy**

A regular or probationary employee shall be granted a funeral leave-of-absence with pay for the purpose of making funeral arrangements, attending a funeral, and/or for bereavement, not to exceed 40 hours or 3 shifts (Fire), in the event of the death of a member of the immediate family (partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the "Colorado Civil Union

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Act,” Article 15 of Title 14 (“Spouse”), parent, guardian, child, brother, sister, grandparents, and grandchild, including these relatives in-law, step or half, or any other family member residing in the employee's household). The Chief or designee may authorize funeral leave for employee attendance at funeral services for special circumstances including deceased employees.

An employee who attends a funeral for other than the above may be granted vacation, personal holiday, or funeral leave-of-absence without pay.

### **Court Leave**

If the City requires testimony in a job-related matter, or participation in a court matter that is within the terms of employment, the employee will be granted court leave with pay. Any witness fees received must be turned over to the City.

The City will not pay an employee for any absence associated with action brought by the employee against the City and/or any of its employees.

### **Council Meeting Attendance**

An employee will be allowed time off with pay to attend a regular or special meeting of City Council when an item affecting the terms or conditions of employment is on the agenda. Operational requirements may require the Chief to limit the number of employees who may attend such meetings or the amount of time away from the job.

### **National Guard/Reserves**

A regular or probationary employee who is a member of the Colorado National Guard or any branch of the United States Military Reserves shall be granted military leave-of-absence with pay, when ordered by the proper authority to active duty or training, for a period not to exceed 15 calendar days or 120 hours of regularly scheduled work time per calendar year. The employee retains military compensation.

### **Personal Job-Related Business Leave**

An employee may utilize work time to conduct personal job-related business, such as changing payroll deductions, reviewing personnel records, or counseling with the Equal Opportunity Programs Administrator or Human Resources. Such business must be scheduled at a time mutually agreeable to the employee and the supervisor. The employee need not reveal the nature of such personal business.

### **Administrative Leave**

An employee may be placed on administrative leave with or without pay at the discretion of the Chief, so long as it does not conflict with Civil Service rules.

*Last revised: 4/17*

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**POLICY AND PROCEDURE # 15**  
**LEAVE OF ABSENCE (UNPAID)**

Leaves-of-absence with or without pay shall be approved in advance by the Chief/Deputy Chief.

**Types of Leave**

**Court Leave**

An employee who is called as a participant in a non-job-related legal proceeding shall be granted vacation, personal holiday or court leave-of-absence without pay at the employee's discretion. In this circumstance, witness fees do not need to be turned over to the City.

**Military Leave**

When ordered by the proper authority, a regular or probationary employee who is called to active duty or who enters active duty with the Armed Forces of the United States, shall be granted military leave-of-absence without pay. The City will comply with any state and federal requirements concerning military leave-of-absence and job reentry. Whenever feasible, the employee should provide a copy of the orders and meet with the department's Human Resources to discuss benefits prior to departure.

- **Proof of Service:** Employees returning to the City for employment after active duty must provide a Form DD214 as proof of military service.
- **Years of Service Credit:** Time spent in the military shall be used in computing employee seniority with the City. Upon return from active duty, vacation and years of service credit will be calculated utilizing both the years of military service and City service. The employee shall not be eligible to accrue or receive benefits during the period of military service.

**Educational Leave**

A regular employee may be granted an educational leave-of-absence without pay to pursue personal educational objectives that are career related and serve the best interest of the Department.

**Personal Leave**

A regular employee may be granted a leave-of-absence without pay for personal reasons. Personal leaves must be consistent with effective organizational operations and should be requested 30 days in advance or as soon as practicable before the leave. The employee must return all City issued property prior to the start of the leave period.

**Administrative Leave**

An employee may be placed on administrative leave with or without pay at the discretion of the Chief, so long as it doesn't conflict with Civil Service rules.

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### **Domestic Abuse Leave**

An employee who has been employed with the City for twelve months or more is entitled to take three days leave from work in any twelve-month period if the employee is the victim of domestic abuse, stalking, or sexual assault as set forth in §24-34-402.7, leave is taken for purposes outlined in this state statute and the employee meets all other requirements of the statute. Employees may use paid leave of absence, including vacation and sick leave, if they meet the eligibility requirements for that particular leave. If no paid leave of absence is available, the leave of absence shall be without pay.

### **Benefits During Leave of Absence Without Pay (Excluding FMLA)**

If the leave is no longer than 30 days, employer benefit contributions are continued. If the leave extends beyond 30 days, employer benefit contributions will stop as of the 31st day of the unpaid leave period.

- Health and life plans may be continued at the employee's expense.
- The employee should meet with Payroll to set up an arrangement to protect retiree benefits.
- Commencing with the first day of leave, regardless of the length, there will be no accrual of sick leave or vacation.
- An employee will not be compensated for holidays, vacation, sick leave, or normal paid leaves during a leave of absence without pay.

### **Maximum Duration of Leave of Absence Without Pay**

Depending on the operational needs of the department, a leave-of-absence without pay, including extensions, may not exceed 12 months. No employee's total time on leave-of-absence may exceed 12 months in any 24-month period.

### **Payroll Processing**

- Leave of 30 days or less: Record by processing the necessary time slips.
- Leave of 31 days or more: Prepare and process a PAF.

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**POLICY AND PROCEDURE # 16**  
**FAMILY MEDICAL LEAVE ACT/FAMILY CARE ACT**

The City complies with the requirements of the Family and Medical Leave Act (FMLA) of 1993 and Colorado's Family Care Act (FCA). FMLA/FCA provides job protection and maintenance of benefits while employees are out on certain types of leave. The provisions of the City's existing leave policies continue to apply and will run concurrently with FMLA/FCA leave. This policy contains an overview of FMLA/FCA; however, the provisions, requirements, and definitions of FMLA and FCA and the related Department of Labor (DOL) regulations will be followed in applying this policy.

**Eligibility**

To be eligible for leave under FMLA, employees must meet the following conditions:

- The employee must have been employed by the City at least 12 months, and
- The employee must have worked for the City at least 1250 hours during the 12-month period immediately preceding the commencement of the leave, and

Need leave for one of the following reasons:

- Birth, adoption, or foster care placement of a child within 12 months of birth or placement
- Serious health condition of the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, child, or parent
- A serious health condition of the employee that renders the employee incapable of performing the functions of the job
- A qualifying exigency arising out of the covered active duty or call to the covered active duty status in the Regular Armed Forces, National Guard or Reserves of the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, son, daughter, or parent of an eligible employee
- Military caregiver leave for an eligible employee who is the employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, son, daughter, parent or next of kin of a covered service member or veteran with a qualifying serious injury or illness.

Supervisors will inform employees requesting leave whether they are eligible under FMLA. If they are, the notice will specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, the City will provide a reason for the ineligibility.

Supervisors shall also notify the employees whether or not the leave qualifies as FMLA, if the leave will be designated as FMLA-protected and the amount of leave counted against the employees' leave entitlement. If it is determined that the leave is not FMLA-protected, supervisors will notify the employee.

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### **Duration of Leave**

Eligible employees are entitled to a maximum of 12 workweeks of unpaid leave in any 12-month period. The 12-month period is calculated as a rolling 12-month period measured backward from the date the employee uses any FMLA leave. If the leave is military caregiver leave, eligible employees are entitled to a maximum of 26 workweeks of unpaid leave during a single 12-month period. The 12-month period for this leave is calculated from the first day the leave is taken.

The total FMLA leave that may be taken during a 12-month period (alone or in combination with other FMLA leave) is 26 workweeks. Mandatory overtime will count toward an employee's FMLA time for all types of leave. Any leave beyond FMLA leave will be subject to the City's other leave policies.

### **Combined Leave**

If both partners in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, are employed by the City and have met the tenure and hours worked requirements under FMLA, the husband and wife may be limited to combined FMLA leave periods in accordance with DOL regulations.

### **Leave Taken on an Intermittent or Reduced Schedule**

FMLA leave may be taken on either a consecutive, intermittent, or reduced basis as provided by FMLA. Such a schedule must be needed for medical reasons and approved by a healthcare provider. Leave due to qualifying exigencies or military caregiver leave may also be taken on an intermittent or reduced leave basis. However, FMLA leave may not be taken on an intermittent or reduced leave basis for the birth, adoption, or foster care placement of a child unless approved by the Deputy Chief. The organization may temporarily transfer an employee who is taking FMLA on an intermittent or reduced schedule basis if the alternative position better accommodates the leave, and the leave is foreseeable and based on planned medical care. The alternative position must be equal in pay and benefits. Reduced schedule leave will not affect the status of "exempt" employees.

### **Substitution of Paid Leave for Unpaid Leave**

Employees are required to use accrued leave to the extent they qualify for that leave (sick, family sick, vacation, comp time, personal holiday) until exhausted and then may use leave without pay, for the remainder of FMLA leave.

When an employee is receiving worker's compensation payments or disability payments under a disability plan, the employee may not elect, nor may the City require the employee to substitute any form of paid leave for any part of the absence covered by these payments.

Disability leave for the birth of a child and for the employee's serious health condition, including workers' compensation (to the extent it qualifies), will be designated as FMLA leave and will run concurrently with FMLA leave.

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### **Advance Notice**

If the leave is foreseeable, the employee is required to provide 30 days' notice and make a reasonable effort to schedule time off, so that it is least disruptive to the operations of the employer. Otherwise, the employee is required to give as much notice as practicable.

### **Certification Requirements**

Employees are required to provide certification of their need for FMLA leave. There are four certification forms specific to each type of leave: Employee's Serious Health Condition, Family Member's Serious Health Condition, Qualified Exigency, and Military Caregiver Leave. The forms can be obtained from your supervisor, City HR Benefits and Wellness, or the HR Benefits and Wellness Intranet site. Failure to provide complete and sufficient certification may be grounds for discipline and/or denial of the leave.

Certification regarding the health condition of employee, employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, child, parent, or covered service member requires health care provider statements. Certification for a qualified exigency requires facts supporting the leave request including any supporting documentation. Documentation confirming family relationship, adoption or foster care may be required.

The City may require second and third medical opinions at the City's expense. Employees also may be required to provide periodic recertification supporting the need for leave.

If an employee takes leave for a reason that later qualifies as approved FMLA leave, the City may designate all or some portion of the earlier leave taken as leave under this policy.

### **Benefits During FMLA**

When already in effect immediately prior to FMLA, employer contributions to insurance benefits will continue during FMLA leave to a maximum of 12 workweeks or a maximum of 26 workweeks if the FMLA leave is military caregiver leave. Employees must make prior arrangements with HR Benefits and Wellness to pay the required employee contribution for such benefits while on leave if leave is without pay.

If you choose to make premium payments during your unpaid FMLA, there will be a 30-day grace period after the agreed upon date during which time you must make your premium payments. If you fail to make the required payment, the City has the option to cease coverage on the date the grace period ends as long as it has given you 15 days' notice.

### **Pay Increases**

An employee's pay increases will not be reduced due to time off that qualifies as Family Medical Leave.

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### **Failure to Return to Work**

An employee who does not return to work upon expiration of FMLA leave may be discharged regardless of remaining sick leave accrual. An employee who fails to return from FMLA leave will be required to refund all employer benefit contributions paid during the unpaid portion of the leave, unless the failure to return results from the continuation, recurrence, or onset of a serious health condition, or something beyond the employee's control.

If an employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, he or she should consult with Human Resources regarding the City's ADA process.

### **Return to Work**

Upon return to work from FMLA leave, most employees will be restored to the same position or to one equivalent in pay, benefits, and other terms and conditions of employment.

If FMLA is based on a personal serious health condition, the employee must provide medical certification that they are able to resume the essential functions of their position when they return to work.

### **Definitions**

- **Covered Active Duty:**
  - (A) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and
  - (B) in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10.
- **Covered Service Member:**
  - (A) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
  - (B) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.
- **Next of Kin:** The nearest blood relative of the injured or recovering service member.
- **Serious Injury or Illness for Military Caregiver Leave:**
  - (A) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and

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that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(B) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

- **Qualifying Exigency:**

Specific and exclusive list of reasons defined by the Department of Labor for which an eligible employee can take leave arising out of the fact that an employee's partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law, son, daughter or parent of the employee is on covered active duty or has been notified of an impending call to covered active duty status in the national Guard or Reserves or Regular Armed Forces,. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

- **Serious Health Condition:**

As defined by the FMLA, including an illness, injury, impairment, or physical or mental condition that may involve any of the following:

- Inpatient care (overnight stay) in a hospital, hospice, or residential medical care facility
- Continuing treatment by a health care provider with incapacity of more than 3 calendar days that also involved treatment by a health care provider two or more times within 30 days. The first visit must take place in person and within seven days of the first day of incapacity
- Treatment on one occasion that results in a regimen of continuing treatment (i.e. antibiotics). (Generally, the common cold or flu does not qualify as a serious health condition.) The treatment must take place in-person and within seven days of the first day of incapacity
- Pregnancy or prenatal care
- Chronic condition requiring periodic visits for treatment such as asthma. Visits for treatment must take place at least twice a year and certification form must be turned in twice a year
- Permanent/long term incapacity (severe stroke, Alzheimer's)
- Absences to receive multiple treatments by or under the supervision, orders or referral of a health care provider and any period of recovery related to the treatments

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### **Unlawful Acts**

FMLA makes it unlawful for the City to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA

### **Enforcement**

- An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City
- FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights

### **Family Care Act Leave**

Eligible employees may be provided up to 12 weeks of unpaid leave to care for their Civil Union partners as such are defined pursuant to the "Colorado Civil Union Act," Article 15 of Title 14; or domestic partner if registered with the municipality in which the person resides or with the State, if applicable, who have serious health conditions. Generally, leave under the Family Care Act is administered consistent with FMLA regulations.

*Last revised: 9/18*

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**POLICY AND PROCEDURE # 17**  
**BENEFITS UPON REINSTATEMENT**

Upon reinstatement, the benefits of a regular employee who resigns from employment and who is subsequently reinstated, in accordance with the Rules of the Colorado Springs Civil Service Commission for the Municipal Police and Fire Forces, shall be determined as follows:

Prior service credit will be used to determine longevity pay and vacation accrual rates. Available sick leave balance at time of resignation will be reinstated. Retirement benefits shall be determined in accordance with either the alternate Police Pension Fund or the alternate Firemen's Pension Plan.

*Last revised: 4/17*

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**POLICY AND PROCEDURE # 18**  
**BENEFITS UPON TRANSFER FROM CIVILIAN**

The employee will retain any accrued sick leave balance. Such balance will be transferred to the Police/Fire Department for use by the employee in accordance with established guidelines. Accrued vacation will be paid off effective the date of transfer. The vacation accrual rate will be based on the employee's total years of continuous sworn employment with the City. The Police/Fire Department seniority date will rule when determining eligibility to bid for vacation, shifts, etc. Longevity will be based on continuous Civil Service seniority. Retirement eligibility will be based on the individual's entry date into the appropriate Police/Fire Pension Fund. Service awards will be based on original hire date with the City.

*Last revised: 4/17*

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# Risk Management

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**POLICY AND PROCEDURE # 19**  
**WORKERS' COMPENSATION**

In accordance with the State of Colorado Workers' Compensation Act, employees may apply for workers' compensation benefits for on-the-job injuries. The degree of liability and the amount of the benefit are determined by the State.

The City pays the entire cost of the Workers' Compensation insurance.

**Administration of Claims**

The Workers' Compensation section of the Risk Management Unit is responsible for the intake, review, and administration of employee workers' compensation claims. Employees who are injured on-the-job must report their claims to the Workers' Compensation section in accordance with their department's accident reporting procedures.

**Injury Leave**

An employee who is temporarily disabled for more than three regular working days as a result of an injury, which is fully compensable under the Workers' Compensation Act, shall be granted injury leave not to exceed 1220 hours per injury. To be eligible for injury leave, the employee must have physician certification, in writing, that the time off is related to the injury. The Colorado Workers' Compensation Act provides payment of temporary disability benefits equal to 66⅔% of an employee's average weekly wage, not to exceed a maximum of 91% of the State average weekly wage. The City, however, will provide 100% wage replacement for compensable injuries or illnesses. Injury leave wage replacement will be paid based upon the wage rate at the time of disability. Injury leave benefits are paid in place of, and are credited against, temporary disability benefits due under the Colorado Workers' Compensation Act. There is no double recovery from injury leave and the Colorado Workers' Compensation Act. Injury leave will be considered as part of and administered in accordance with the Family and Medical Leave Act except that employees are not permitted or required to use accrued leave in conjunction with injury leave while on FMLA status. Injury leave shall continue until the first occurrence of any one of the following:

- The authorized treating physician releases the employee to return to Workers Compensation limited duty or full duty.
- The employee reaches maximum medical improvement.
- On the date a ruling of permanent disability is made.

In the event the employee exhausts injury leave and is still unable to return to work, the employee becomes eligible for compensation in accordance with the Colorado Workers' Compensation Act, C.R.S. Section 8-42-105, which governs state-mandated compensation. When injury leave is

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exhausted, the employee will be required to supplement state mandated compensation with accrued leave up to 12 hours per week.

### **Benefit Period Computation**

In computing the 1220-hour maximum benefit period, the following hours shall be counted:

- Paid holidays occurring during the recovery period
- Paid leaves
- Unpaid leaves taken when the benefit is a reduced benefit

### **Workers Compensation limited duty**

An employee who is unable to perform the essential functions of their position while recovering from an injury, which is fully compensable under the Workers' Compensation Act, may be granted Workers Compensation limited duty for a period of time not to exceed 2080 hours. The use of Workers Compensation limited duty assignments is governed by the availability of suitable work within the restrictions contained in the physician's release. The employee shall be paid their base wage while working Workers Compensation limited duty.

The Chief or designee will make an attempt to find suitable work within the Department. However, assignments may be made to organizations outside of the employee's regularly assigned work group.

Eligibility to work Workers Compensation limited duty ceases when the employee has been released to return to full duty, is approved for a service/disability retirement, is placed at maximum medical improvement by a designated physician, or has been reassigned as a reasonable accommodation under the Americans with Disabilities Act (ADA).

### **Penalties**

If the injury is not fully compensable under the provisions of the State of Colorado Worker's Compensation Act provisions, the City benefit shall be reduced by the same percentage as the State assessed penalty. In such instances, the employee may elect to utilize accrued sick leave and vacation to offset the assessed penalties.

### **Restricted Activities**

An employee on Workers Compensation leave, or Workers Compensation limited duty assignment shall not perform any activities, including other employment, self-employment, sports, hobbies, etc., which may impede recovery from the injury. The authorized treating physician will make the appropriate determinations. An employee on Workers Compensation limited duty assignment shall not be placed on-call or in a stand-by mode. An employee on Workers Compensation limited duty may work overtime within their physical restrictions based on the operational needs of the department with approval through chain-of-command and Human Resources.

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### **Inability To Perform Duties**

Should the employee be unable to return to the full range of regularly assigned duties following a workers compensation injury leave and/or a Workers Compensation limited duty assignment, the employee may:

- Utilize any remaining FMLA leave if eligible;
- Utilize accrued compensatory time and sick leave if he/she is involved in the Americans with Disabilities Act (ADA) process or pursuing medical retirement;
- Utilize accrued vacation leave subject to supervisor approval;
- Request sick leave without pay upon exhausting other paid leaves subject to approval by the chief or designee;
- Request an accommodation under the ADA; and/or
- Apply for disability retirement if eligible.

The City reserves the right to initiate an involuntary separation from employment in accordance with City Policies and Procedures for an employee who has not reached Maximum Medical Improvement and prior to the exhaustion of available sick leave if the employee:

- Has exhausted all FMLA leave and,
- Waives consideration under the ADA, is found to be not qualified under the ADA, or cannot be reasonably accommodated through reassignment; and
- Is unable to perform the essential functions of their job with or without reasonable accommodation; and
- Is not otherwise entitled to any other legal protections.

Employees may request an ADA accommodation at any time prior to separation of employment, regardless of whether the employee has previously signed an ADA waiver.

*Last revised: 01/2021 – 20-662*

**POLICY AND PROCEDURE # 20**  
**LIGHT DUTY ASSIGNMENT (Non-work Related Injury/Illness)**

A regular employee or an employee in their initial evaluation period who is unable to perform the full range of regularly assigned duties as a result of an off-the-job injury or temporary disability may be placed on light-duty assignment for a period not to exceed 180 days, provided that work is available and they receive a physician's approval. Light duty assignments beyond 180 days must be approved by the Chief.

The immediate supervisor is responsible for ensuring that such light duty assignments are consistent with the employee's medical restrictions or limitations. Risk Management should be consulted in the event there are questions or concerns related to such restrictions or limitations.

**Alternatives to Light Duty**

Should a light duty assignment not be a viable alternative or if an employee is unable to perform the essential functions of their assigned position, the employee may:

- Utilize accrued sick leave or vacation
- Request a sick leave advance, if the medical prognosis is supportive of recovery
- Apply for Family Medical Leave (FMLA)
- Seek employment in another City position for which they are physically fit
- Apply for FPPA disability retirement
- Apply for ADA accommodations
- Separate from employment

If the employee accepts reassignment, the salary of the employee must fall within the salary range of the new classification.

*Last revised: 4/17*

**POLICY AND PROCEDURE # 21**  
**SAFETY**

The City of Colorado Springs recognizes that the safety and health of its employees and the public are paramount concerns in the delivery of its services. Safety shall receive first consideration in the design and performance of any job. The safety and health of employees and the public shall not be compromised to provide expedient service.

**Deputy Chief/Chief's Responsibility**

Each Chief will use best efforts to ensure that an effective safety and health program is developed, implemented, and maintained. The safety and health program of the Department, with its applicable rules and procedures, shall meet or exceed established federal, state, and city laws, as well as, accepted industry practices.

The Chief shall use best efforts to implement an ongoing program to identify and assess occupational safety and health hazards. Employees shall be provided ongoing training and education relating to preventive measures that minimize or eliminate work place hazards. Employees will be provided with appropriate personal protective equipment and shall be trained in its proper use.

For department/division, supervisor, professional safety staff, employee, and Safety Services section responsibilities, see the Safety Program Manual on the Risk Management intranet home page.

**Fitness for Duty Approval Process**

A Fire Department employee will be required to submit to a medical/psychological examination when the Chief/Deputy Chief and the City Risk Manager determine that the employee's ability to perform may be impaired. A Police Department Employee will be required to submit to a medical/psychological examination when the Chief/Deputy Chief determine that the employee's ability to perform may be impaired. Such examinations shall be conducted by a City appointed practitioner and shall be at City expense.

**Employee Responsibility**

Each employee has a role to play in assuring a safe and healthy workplace. The employee's responsibilities include, but are not limited to, the following:

- Be safety conscious at all times.
- Follow established safety and health rules, policies, and procedures in performing work assignments.
- Maintain a valid, appropriate Colorado Driver's license, if required for the operation of City vehicles and equipment.
- Request additional information or clarification on assignments that are unclear and for which there may be a hazard.

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- Operate all City equipment, tools, machinery, and vehicles in accordance with manufacturer guidelines, safety practices, and operator training instructions.
- Correctly wear and use all appropriate protective equipment.
- Use lap and shoulder belts, where provided, at all times while operating or riding as a passenger in a City vehicle or private vehicle on City business.
- Immediately report to the immediate supervisor and co-workers any unsafe working condition, equipment malfunction, or other situations that could endanger employees or the public.
- Report personal injuries to the supervisor and Risk Management Office no later than 48 hours after injury.

### **Accident/Injury Reporting**

Employees shall immediately notify their immediate supervisor, the Risk Management Office and, if appropriate, law enforcement authorities of any accident causing injury to an employee that requires professional medical attention, damage to a City vehicle or property, or damage and/or injury to private property or citizen.

### **Notification of Family Members**

The Department shall be responsible for implementing procedures for the notification of family members. Employees are responsible for providing and updating the name of the individual to be contacted in the event of an emergency. This information should be provided to the employee's department and to Human Resources.

*Last revised: 4/17*

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# Performance Management

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**POLICY AND PROCEDURE # 22**  
**PERFORMANCE MANAGEMENT**

It is the goal of the City to maintain a performance management system that will help provide an opportunity for employees to maximize their potential and deliver the highest level of service to City customers.

**System Components**

The performance management system is a yearlong, collaborative process between the employee and supervisor that links individual performance to the goals of the department.

The immediate supervisor and employee should meet periodically to review performance and discuss perceived strengths, weaknesses or problems, so the employee will have an opportunity to improve performance before the year-end evaluation.

The immediate supervisor prepares the formal written evaluation after discussions with the employee about his/her self-evaluation. Completed performance appraisal forms are reviewed by the Chief/Deputy Chief. Performance ratings are not appealable. Employees may, however, request a meeting with the rater's supervisor and/or draft a response to be attached to the appraisal in their personnel file.

**Performance Improvement Plans**

Employees who are performing unsatisfactorily in any critical function of their job or who, in the sole judgment of their immediate supervisor, are behaving in the workplace in a manner that causes disruption or impedes workflow, may be placed on a Performance Improvement Plan (PIP). The Plan should identify the problem areas of work production and/or problem behaviors and establish a timetable (not less than 30 days) and plan for correction. If the employee fails to meet the requirements of the improvement plan, they are subject to disciplinary action.

During the period of performance improvement, employees' salaries are frozen and receive no salary increases (including step progressions and market adjustments/increases) until performance is rated "Meets Expectations." Any increases the employee would have received, except for the PIP, become effective at the time a satisfactory rating is achieved. Increases are not retroactive.

*Last revised: 4/17*

**POLICY AND PROCEDURE # 23**  
**EDUCATIONAL ASSISTANCE**

The City of Colorado Springs offers limited reimbursement for college level coursework directly related to a core competency specific to the employee's current job assignment. Such courses as foreign languages, humanities, art history, physical education, etc., which are necessary to meet degree requirements, are not covered unless the content is specifically related to the employee's job.

**Eligibility**

All regular employees of the City of Colorado Springs, whose performance is rated "meets expectations" (or its equivalent, herein incorporated by reference) or higher are eligible for educational assistance.

**Financial Limitations and Reimbursement**

- For undergraduate courses, the total reimbursement shall not exceed the current year's University of Colorado, Colorado Springs (UCCS), undergraduate semester-hour tuition rate minus COF (College Opportunity Fund) Stipend per credit for Colorado residents plus certain UCCS mandatory fees.
- For graduate courses, the total reimbursement shall not exceed the current year's University of Colorado, Colorado Springs (UCCS) graduate semester-hour tuition rate for Colorado residents plus certain UCCS mandatory fees.
- Reimbursement for employees pursuing undergraduate programs from schools that do not qualify for the COF stipend will still be limited to the UCCS undergraduate semester-hour tuition rate minus the COF stipend per credit for Colorado residents plus certain UCCS mandatory fees.
- An employee who receives governmental aid or other financial assistance such as grants or scholarships will be eligible for reimbursement for that portion of the approved costs not covered by such assistance.
- An employee who is otherwise eligible for the COF Stipend but fails to register for the Stipend shall not be reimbursed by the City for the tuition cost normally covered by the Stipend.
- Depending on availability of funds, reimbursement, as described above, may include all or part of the tuition and mandatory fees. Reimbursement will be made upon satisfactory completion of the course. Satisfactory completion is defined as a C (2.0) or better for an undergraduate course, and B (3.0) or better for a graduate level course. Copies of tuition receipts and the grade reports must be submitted with the request for reimbursement. Classes taken on a Pass/Fail basis do not meet the requirement for satisfactory completion.

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- The number and frequency of courses authorized for an employee may be limited at the discretion of the Department Director/Division Manager or Council/Mayoral Appointee and, may not exceed 2 courses per semester, or the equivalent expenditure in educational organizations that do not use a semester program.

### **Coursework Approval**

The Department Director/Division Manager or Council/Mayoral Appointee or designee will review and approve/disapprove an employee's request at least once a semester in advance of the class. Requests should be submitted to the Department/Division Human Resources Liaison three weeks prior to the start of class.

### **Repayment**

An employee who leaves City employment within 12 calendar months after completion of a course shall be required to repay the total amount of the City's reimbursement for approved courses.

### **Role of Human Resources**

Annually, Human Resources will publish the semester hour reimbursement rate for undergraduate and graduate courses. Completed paperwork must be sent to City Human Resources or Department Human Resources (Police and Fire) for final approval.

*Last revised: 1/18*

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# Employee Relations

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**POLICY AND PROCEDURE # 24**  
**UNLAWFUL DISCRIMINATION/HARASSMENT/RETALIATION**

The City of Colorado Springs is an Equal Employment Opportunity employer. The City of Colorado Springs will not tolerate any employee engaging in unlawful discrimination, harassment, or retaliation against any employee or applicant because of race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, genetic information, spousal or civil union status, veteran status, or any other status protected by applicable law.

The City has zero tolerance for any form of unlawful discrimination, harassment, or retaliation. The City seeks to establish a diverse and inclusive work environment free from unlawful discrimination, harassment, and retaliation.

It is the responsibility of all City employees, managers, and supervisors to conduct themselves in a manner that fosters inclusion and respect for the individual and maximizes every employee's capability to be productive in his or her job.

**Definitions**

**Discrimination**

Unlawful employment actions based on an employee's or applicant's race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, spousal or civil union status, genetic information, veteran status, or any other status protected by applicable law.

**Harassment**

Unlawful acts of intimidation, threats, inappropriate comments, or related actions and behaviors which target an employee or applicant because of their race, color, national origin, ancestry, sex, age, pregnancy status, religion, creed, disability, sexual orientation, spousal or civil union status, or any other status protected by applicable law.

**Sexual Harassment**

Unlawful conduct such as unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or any other unwelcome verbal or physical conduct based on a person's sex.

**Retaliation**

Unlawful conduct against any employee or applicant who opposes acts of unlawful discrimination, harassment, or retaliation or participates in any manner in an investigation, proceeding, or hearing by a federal or state agency charged with enforcement of such laws.

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### **Complaints**

An employee who believes he or she has been subjected to actions or behaviors that are forms of unlawful discrimination, harassment, or retaliation must discuss the incident(s) with the appropriate level supervisor/manager in their division, Departmental Human Resources, or the City's Human Resources Department. If the employee uses an informal resolution process with a supervisor/manager, all complaints must still be reported to the City's Human Resources Department.

### **Discipline**

Individuals whose behavior is in violation of this Policy shall be subjected to disciplinary action, up to and including termination.

*Last revised: 4/17*

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**POLICY AND PROCEDURE # 25**  
**AMERICANS WITH DISABILITIES ACT (ADA) AND PREGNANCY ACCOMMODATIONS**

**ADA Accommodations:** The City of Colorado Springs shall comply with Title I of the Americans with Disabilities Act (ADA) of 1990 and the Americans with Disabilities Act Amendments of 2008 by providing reasonable accommodation to qualified employees with disabilities if needed for the employee to perform the essential functions of the job.

**Pregnant Workers Fairness Act:** The City of Colorado Springs shall comply with the Colorado Pregnant Workers Fairness Act (PWFA) of 2016 by providing reasonable accommodation to its employees with health conditions related to pregnancy or the physical recovery from childbirth if needed for the employee to perform the essential functions of the job.

Request for Accommodation

Employees who think that they have a disability or are experiencing a health condition related to pregnancy or the recovery from childbirth that prevents them from performing essential functions of their job and would like to request an accommodation must contact their Human Resources Department.

Once the determination of ADA or PWFA coverage is made, the City will provide a reasonable accommodation unless doing so would result in an undue hardship to the City or cause a direct threat to health and safety.

**References:** The policies and procedures governing the accommodation process are found in the resource manual, ADA Disability Compliance Policy and Guidelines for Managers, located on the Intranet under Human Resources.

*Last revised: 11/16*

**POLICY AND PROCEDURE # 26**  
**FORMAL INTERNAL COMPLAINT PROCESS**

It is the goal of the City of Colorado Springs to provide prompt resolution of employee complaints through its Complaint Resolution Process. The City of Colorado Springs will not tolerate retaliation against any employee for filing a complaint or for providing information related to a complaint.

**Subject of Complaints**

A formal complaint may be filed relating to an act, omission, or situation involving the interpretation and misapplication of written or verbal policy, procedure, or established practice. Complaints alleging illegal discrimination, harassment, and retaliation may not be filed under this policy. (Refer to Policy #24 Unlawful Discrimination/Harassment/Retaliation).

**Who May File**

Regular, full-time or part-time employees, except for those in their original probationary period. Employees not included in this policy may use the chain of command to resolve concerns that fall within the scope of this policy.

**Preliminary Requirements**

Prior to initiating a formal complaint, the employee should discuss the alleged act or action with their immediate supervisor. If the employee is uncomfortable bringing the issue to their supervisor, he/she should contact the next level of supervision or consult with the Human Resources Department. The supervisor must respond to the employee's inquiry in writing within a reasonable timeframe. If resolution is not reached, the employee may file a formal complaint.

To file a formal complaint, the employee must complete a City of Colorado Springs Complaint Resolution Form and submit it to their immediate supervisor and/or the next highest level of management, along with a copy to the Human Resources Department. The forms can be obtained from the City's Human Resources Office, on the intranet in Public Folders/Employee Services/Complaint Form folder, or from the department's Human Resources office.

**Timeline Requirement**

Formal complaints must be filed no later than 15 working days from the date of the alleged act or action, or the date the employee became aware of the alleged act or action, or from the date the supervisor responded to the employee's inquiry.

**Investigation**

Formal complaints will be fully investigated by the Chief or a party designated by the Chief, unless the Chief is involved in, or is the subject of the complaint. Summary results of the investigation will be provided in writing to the complaining employee within 30 working days from receipt of the formal complaint.

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### **Appeal**

If an employee is not satisfied with action taken as a result of the investigation, the employee may appeal the decision to the next level in the chain of command or that person's equivalent in another chain. The appeal must be in writing and filed within 5 calendar days of receiving written notification of the decision. Copies of the appeal must be submitted to both the supervisor who rendered the original decision and the level of management that will hear the appeal. A written response will be provided by the manager hearing the appeal no later than 15 calendar days from receipt of the appeal.

### **General Requirements**

- Attorneys are not permitted to appear on behalf of an employee during any phase of the complaint procedure.
- An employee may be accompanied by another regular employee at complaint resolution meetings. The employee will receive their normal compensation and shall not be subject to retaliation.
- Employees may be requested to appear as witnesses at meetings held to resolve complaints. The employees are required to appear and will receive their normal pay. Witnesses shall cooperate with the investigation. The names of employee witnesses must be provided to the manager hearing the complaint in advance in order to arrange for their appearance. The City of Colorado Springs will not tolerate retaliation against any employee for filing a complaint or for providing information related to a complaint.
- If an employee fails to adhere to the filing deadlines, the complaint shall be considered resolved.
- Complaint resolution deadlines may be extended by the Chief for good cause. A request for extension and the subsequent response must be in writing. The respective parties shall each be allowed one reasonable postponement, not to exceed 45 calendar days.

*Last revised: 4/17*

**POLICY AND PROCEDURE # 27**  
**STANDARDS OF CONDUCT**

Employees are responsible for meeting reasonable and ethical standards of performance and conduct in their work activities. Managers and supervisors are responsible for providing leadership that creates an opportunity for employees to achieve professional standards of performance and conduct and, at the same time, holding employees accountable for their actions.

**Conduct Subject to Disciplinary Action**

It is expected that the behavior of employees reflects favorably on the employee and the City at all times. The following is a list of offenses for which an employee may receive corrective action up to and including termination. Because it is impossible to list every offense that may occur in the workplace, this list is not all-inclusive. Other conduct may be subject to discipline. The City of Colorado Springs reserves the right to determine the seriousness of an offense at the time the offense occurs and to impose the appropriate level of discipline.

Examples of unacceptable conduct/offenses are listed below.

- Violation of Civil Service Rules
- Conduct deemed by the City as unbecoming a City employee
- Violation of City or unit written or verbal policies or procedures
- Unsatisfactory work habits to include tardiness, violation of break and lunch policy, departing prior to the designated time, excessive absenteeism, neglecting work duties, or wasting time during work hours
- Smoking anywhere except in a designated smoking area
- Insubordination
- Impairment due to the use of alcohol or non-prescribed drugs
- Consumption, possession, or selling of alcohol or non-prescribed drugs, including standby, on City time or in the workplace
- Failure to adhere to City's policies outlined in the Drug/Alcohol Procedures Manual
- Abuse of prescribed or over-the-counter drugs
- Abuse of paid leave
- Participation in activities, including other employment, self-employment, sports, hobbies, etc., which is inconsistent with paid sick leave, limited duty, or injury leave
- Conducting personal business while on City time
- Work disruption or stoppage, strike, or other forms of job action, or withholding of services
- Failure to cooperate in a City investigation and provide truthful information in subsequent testimony, as required
- Failure to immediately report the loss of a Colorado driver's license, other required license or certification
- Fraud, falsification, deceit, or departing from the truth

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- Falsification of time sheets, employment application, personnel records, or other organizational records
- Theft, misappropriation, destruction, abuse or waste of public and/or private property, including City tools, equipment, fixtures, facilities, or supplies
- Failing to report criminal charges and/or conviction of criminal charges per department policies
- Sexual harassment and other forms of illegal discrimination
- Creating or contributing to an unproductive work environment to include: using one's position to harass another, participating in or allowing horseplay, disorderly conduct
- Fighting, encouraging a fight, acts or threats of physical violence, intimidation, or coercion
- Abusive, offensive, or obscene language or conduct towards the public, City officials, or employees
- Violating safety rules or accepted safety practices
- Failure to report direct or indirect financial interest that could be considered a conflict of interest
- Unsatisfactory job performance
- Unsatisfactory behavior

*Last revised: 4/17*

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**POLICY AND PROCEDURE # 28  
HONORARIUMS**

**Honorariums**

An employee who receives a stipend or honorarium shall surrender it to the City if:

- The employee was authorized to provide the service or assistance to another public agency or private organization.
- The activity was conducted on City time.

The service or assistance provided shall not violate Policy #29, Business Code of Ethics or Section 1.3.104 Gifts, City Code of Ethics.

**Policy Statement**

Employees may not be:

- Required to provide a favor for another employee
- Coerced to make a contribution for an employee gift

*Last revised: 12/08*

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**POLICY AND PROCEDURE # 29**  
**BUSINESS CODE OF ETHICS**

The purpose of this policy is to uphold, promote and demand the highest standards of ethical behavior from all employees. This Business Code of Ethics will provide further direction to the City of Colorado Springs Code of Ethics. The policy applies to all employees, appointees and volunteers.

**Policy**

The City is committed to complete honesty, utmost integrity, fair dealing and ethical behavior as the basis of its business operations and services to the community. The City is committed to strictly observing all laws, and employees are expected to uphold this commitment to legal compliance. Employees should avoid any conduct creating the appearance of impropriety even if those actions do not violate specific policies, standards, regulations or laws.

The City Code of Ethics and this Business Code of Ethics cannot cover all situations where legal or ethical issues may arise and it does not provide all of the information that may be necessary to make informed legal or ethical decisions. Employees should consult with their immediate supervisor. If the immediate supervisor is not the appropriate source of help, employees should contact the next level manager, the City Attorney's Office or Human Resources.

**Conflict of Interest**

Employees are expected to conduct their activities with the organization's best interest in mind. Behavior is required that does not bring harm or discredit to themselves or the organization. Employees must abide by the conflict of interest provisions in the City Code of Ethics, City Code §§1.3.113 through 1.3.116, and all applicable provisions of the Sworn Policies and Procedures Manual.

Employees must disclose promptly any circumstance that might constitute a conflict of interest or appear to be a conflict of interest. For example, an employee must declare to their supervisor any direct or indirect financial interest in the following:

- Any city-wide contract
- Any matter before the City Council or its Boards and Commissions
- Any sale of land to the City
- Any material supplies
- Any services to the City
- Any contractor supplying services to the City

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- The above list is not all inclusive; the City Code of Ethics, City Code §§1.3.101 through 1.3.119, is the governing document. A philosophical or professional difference of opinion does not constitute a conflict of interest.

### **Vendor Relations/Contracting**

Employees must conduct the highest ethical practices in source selection, negotiation, determination of awards and administration of all procurement activities. The organization will compete fairly and ethically for all business opportunities. Situations where employees or members of the employee's immediate family have a financial interest are required to reveal their relationship immediately. Employees are committed to meeting all contractual obligations.

### **Customer Interaction**

Employees will serve customers with integrity and honesty. Customer response will be conducted with a sense of urgency and will ensure that communication with customers is accurate and timely. Employees will avoid any form of unethical activity or discussion with customers that offers false promises or exaggerated guarantees to customers. Our duty is to deal with customers with integrity, diligence and impartiality and with courtesy, consideration, fairness and promptness. Employees will respect the principle of non-discrimination and equal treatment for all customers.

### **Political Activity**

City employees will not do anything related to their official City capacity or while engaged in their official City duties to influence the outcome of the political process. An employee shall not use or permit to use the authority of their position to actively support either a candidate for City Council, a City issue, or any other political candidate or issue. Employees shall not make contributions from City funds or property to any political parties or candidates. Further, no employee shall, on behalf of the organization, attempt to influence another employee's decision to make, or refrain from making, a personal political contribution to a candidate or a party.

### **Truth and Accuracy in Reporting**

Employees are required to be truthful and accurate when communicating and reporting all activities. No employees shall engage in fraud, deceit, departure from the truth, or failure to report in any oral or written communication. The organization is committed to financial integrity and proper internal controls. No employee shall falsify any document, record or request, or fail to record proper entries in any book or record for any reason. Organization funds and assets will not be used for any unethical or illegal purpose.

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### **Confidential information**

Employees must safeguard confidential and proprietary information by not transferring, publishing, using or disclosing it unless authorized by the City. Employees must not access or attempt to access systems or physical areas unless properly authorized to do so.

Confidential information is any information or knowledge created, acquired, or controlled by the organization that the organization has determined should be safeguarded from improper disclosure.

### **Use of Resources**

Employees must demonstrate concern for proper use of assets including personnel, time, property, equipment and funds. The City provides appropriate office equipment, telephones, computers, vehicles and tools for employees to conduct business. These assets must be used for proper purposes during employment with the City. Equipment and tools may not be sold, loaned, given away, or disposed of without proper authorization.

### **Reporting Requirements**

Employees must report any conduct that they believe in good faith to be a violation of this policy or the City Code of Ethics. No action shall be taken against any employee who reports a potential violation which they believe is true and accurate. Employees are encouraged to work with their supervisor in making such reports. If there is a reason that reporting a violation to the immediate supervisor is not appropriate, employees should contact their next-level manager, the City Attorney's Office or Human Resources.

Employees may file a complaint regarding violations of the City Code of Ethics pursuant to City Code §1.3.105.

Employees may also report any suspected fraud and abuse to the City Auditor directly or through the City Auditor Hotline, 719-385-2387.

### **Disciplinary Rights**

The City may take disciplinary or corrective action against an employee, up to and including termination, for violation of this policy, the City Code of Ethics, or any state or federal criminal laws which, in its sole judgment, may render the employee unfit to perform their job, may bring discredit upon, and/or may compromise the integrity of the City.

Nothing in this policy alleviates an employee's responsibilities under other sections of the Policies and Procedures Manual, including "Other Employment."

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**POLICY AND PROCEDURE # 30**  
**POLITICAL ACTIVITY**

An employee shall not use or permit others to use the authority of their position to actively support either a candidate for City Council, a City issue, or any other political candidate or political issue.

**Guidelines**

Employees will be subjected to discipline for failing to adhere to any of the following guidelines:

- Failure to comply with Civil Service Rules governing political activity.
- Employees shall not conduct personal political/activity during working hours or while acting in any capacity as a representative of the City. Employees may not use City funds, supplies, resources, vehicles, or equipment for such political activity. City facilities may only be used for political purposes if the employee pays the regularly scheduled fees for such space, and it is not during the employee's work time. No restriction is placed on the use of parkland. Personal political activity includes, but is not limited to, the following:
  - Gathering signatures for an initiative
  - Directly or indirectly participating or assisting in any political campaign on behalf of a candidate or ballot issue.
- An employee's conduct shall not imply or suggest endorsement, support, or alliance with any ballot issue, candidate, or subject matter of any petition gathering on behalf of the City during work hours.
- An employee shall not wear any City uniforms or apparel or use City vehicles displaying the City logo while conducting personal political activity after work hours. Such actions include gathering of signatures to any petition and campaigning for or against a ballot issue or candidate.
- An employee shall not wear buttons, badges, or other items during the work day that promote or refer to a ballot issue or candidate.
- An employee shall not use or permit others to use the authority of their position or employment to actively support a ballot issue or candidate for election.

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**POLICY AND PROCEDURE # 31**  
**WORKPLACE HARASSMENT AND VIOLENCE**

It is the City Of Colorado Springs' policy to promote a safe environment for its employees and visitors which is free of harassment, intimidation, threats, or violent behavior.

The City will not tolerate any action that may be interpreted as one of the following behaviors:

- Acts of intimidation
- Threatening or hostile verbal or physical behaviors
- Stalking
- Physical or verbal abuse
- Comments regarding violence
- Harassment or assault
- Vandalism
- Arson
- Sabotage
- Possession or use of a weapon at the workplace

This list is not all-inclusive, and any other acts deemed inappropriate will also be investigated. Other unacceptable behaviors may include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. The City reserves the right to take action against this type of behavior, up to and including termination.

**Reporting Requirements**

Violent, threatening, harassing, intimidating, or other disruptive behavior, including anonymous threats, should not be ignored. Inappropriate humorous comments about violence are also unacceptable. If you observe or experience such behavior by anyone on City property or directed at City employees, whether the person is a City employee or not, you should report it immediately to a supervisor or manager, Chief/Deputy Chief, a Human Resources Manager, Departmental Human Resources Manager, or the Risk Management Staff. Supervisors and managers who receive reports should contact Risk Management. If the supervisor is responsible for the behavior, the employee should report to a manager above the supervisor or one of the other contacts listed herein. If the employee believes the situation requires immediate action in order to avert a violent situation, the employee should contact the appropriate law enforcement agency or Security immediately.

**Investigation**

Any reported violation of this policy will be thoroughly investigated by the Chief/Deputy Chief, Human Resources, or Risk Management. The Workplace Violence Response Team will immediately review reported acts of violence or potentially violent situations. The Response Team is convened and headed by the Chief/Deputy Chief, Risk Management or a designee and shall be comprised of representatives from the following groups:

- City Attorney's Office

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- Law enforcement agencies
- Medical Professionals (EAP)
- Employee's Chief/Deputy Chief
- Risk Management
- Human Resources

The role of the participant from the City Attorney's Office is to provide legal advice to the Response Team. The Response Team shall make recommendations to the supervisor/manager on how to proceed in regard to the problem employee and the particular circumstances.

### **Action Following Investigation**

The City of Colorado Springs will take the appropriate disciplinary action based on the findings of the investigation. An employee whose behavior is determined to be in violation of this policy is subject to disciplinary action, up to and including termination.

### **Searches**

An employee may be subject to a search involving work site, a City-assigned piece of equipment or property, and other items within their personal possession in certain circumstances while on City-owned or City-leased property to the extent allowed by law. During such a search, City property in the unlawful or unauthorized possession of the employee may be confiscated.

### **Restraining/Protective Order**

An employee who obtains a protective or restraining order (1) against a City employee or (2) another person, and lists City locations as protected areas, must immediately notify their supervisor or other member of management about the order and its status. A valid restraining order means that the holder must have the physical document in their possession, and the named party must have been served the restraining order. For a supervisor to take action on an employee's restraining order the supervisor must see the physical document and verify the following information:

- Effective dates of the restraining order
- Date of service of individual
- Distance limits from a specific address
- Contact limits, i.e.; phone, physical
- Signature of a judge

When an employee has a valid restraining order in place, their supervisor shall immediately inform authorities within their work location of the restraining order. If the restraining order is violated, the authorities will be notified immediately.

If the restraining order does not name another City employee or identify City locations, the City requests and highly recommends notification in order to alert security.

*Last revised: 4/17*

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**POLICY AND PROCEDURE # 32**  
**CRIMINAL CHARGES**

An employee must immediately notify their immediate supervisor/manager of any criminal charge in accordance with department policy. If an employee is hired with pending criminal charges, the employee must immediately report such violation to their supervisor or Chief/Deputy Chief.

**Definition**

Criminal charges include felony, misdemeanor, public and petty offenses, as defined in the statutes of the United States, the State of Colorado, other sovereign states, the city of Colorado Springs, and other city and county governments. Criminal charges shall not include traffic or other charges, which are specifically differentiated and exempted from statutory criminal offenses; however, DUI or other charges which impact an employee's ability to drive a vehicle must be reported in accordance with this policy.

**Employee Work Status**

The supervisor, in consultation with the Deputy Chief, will determine the appropriate action regarding the employee's status with the City, pending the disposition of the case. An employee against whom criminal charges have been filed may be placed on a leave-of-absence, pending the outcome of such charges. The Chief and the Human Resources Director must approve such leaves-of-absence, including pay status, in accordance with the Civil Service Rules. In the case of a leave-of-absence without pay, an employee may utilize accrued vacation during this period. The City may proceed with disciplinary action regardless of the status of the criminal case.

**Workplace Drug Convictions**

If the employee is engaged in federally funded work covered by the Drug-Free Workplace Act of 1988, the grantee's Supervisor shall notify the granting agency within 10 working days after receiving notice from the employee or otherwise receiving official notice of such convictions.

**Case Resolution**

Notification Requirement: The employee is responsible for notifying their Supervisor of the outcome of the case no later than 5 calendar days after conclusion of the case. If the Supervisor is unavailable for any reason, the employee must notify the Deputy Chief. Failure to notify the appropriate personnel may be grounds for termination.

**Action Following Case Resolution**

If one of the following results occur, the employee may be reinstated, including retroactive salary and benefits:

- Employee is found not guilty
- Employee receives a deferred prosecution
- The charges are dismissed/dropped

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The City reserves the right to take disciplinary action up to and including termination, regardless of the outcome of the case. Retroactive salary and benefits will not be provided in cases resolved through a finding or plea of guilty, no contest, or deferred sentence.

### **Action Following Conviction**

The Chief will determine the appropriate action upon notification of a finding of guilty, a plea of guilty, no contest, or a deferred sentence.

Factors to be considered in determining the appropriate disciplinary action include, but are not limited to, the following:

- Nature and type of the crime
- Employee's position
- Employee's prior job performance
- Employee's length of service
- Employee's fitness to perform

### **Disciplinary Rights**

The City reserves the right to take disciplinary or corrective action against an employee, up to and including termination, for violation of any local, state, or federal criminal laws which, in its sole judgment, may render the employee unfit to perform their job, may bring disrepute upon, and/or may compromise the integrity of the City.

*Last revised: 4/17*

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**POLICY AND PROCEDURE # 33**  
**DRUG/ALCOHOL FITNESS FOR DUTY**

An employee shall not report to work under the influence of, nor shall their performance be impaired by, the use of alcohol or non-prescribed drugs.

An employee is prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage in the workplace or on City property.

An employee who violates these policies is subject to disciplinary action, up to and including termination.

**Use of Over-the-Counter or Prescribed Drugs**

An employee is permitted to use or possess over-the-counter or medically prescribed drugs in the workplace. Should an employee have reason to believe, or have been informed by their physician or pharmacist, that such use may affect their ability to perform their assigned job duties, the employee shall notify the supervisor.

The employee shall not be required to reveal to the supervisor any medical information relating to their use of such drugs. The supervisor shall protect the confidentiality of the information provided, and the privacy of the employee.

Abuse or misuse of over-the-counter or prescription drugs will be considered a violation of policy.

**Drug and Alcohol Awareness**

The City provides awareness training programs for employees and supervisors. The Drug/Alcohol Manual may be accessed on the City's Intranet.

**Employee Assistance Program**

The City provides an Employee Assistance Program through which employees and their dependents may voluntarily receive information and confidential assistance regarding drug/alcohol-related problems.

**Interventions and/or Consequences**

Employees are encouraged to take responsibility for their own behaviors and voluntarily seek help through the City's Employee Assistance Program or other professional programs that will assist them in the resolution of drug or alcohol related problems. However, in those instances when an employee exhibits job performance and/or other physical symptoms commonly associated with drug and/or alcohol use, the City may intervene and/or impose consequences appropriate to ensure compliance with this policy.

Appropriate interventions and/or consequences shall be determined on a case-by-case basis, reviewed by Human Resources and may include, but are not limited to, the following:

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- Administrative leave, with or without pay
- Mandatory assessment by a Substance Abuse Professional (SAP). (The employee shall be required to sign an authorization for release of information so that the SAP can report the results of the assessment to the Human Resources Manager)
- Drug/Alcohol testing in accordance with the Drug/Alcohol Procedures Manual and/or mandated Federal and State legislation
- In-patient/out-patient treatment and rehabilitation
- Assignment to another position and/or classification
- Employment agreement
- Disciplinary action, up to and including termination

*Last revised: 4/17*

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# GENERAL

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**POLICY AND PROCEDURE # 34**  
**EMPLOYEE RECORDS**

Official employee personnel records shall be maintained in Human Resources. The employee shall receive a copy of all material that is forwarded for inclusion in the employee's record.

Employees may review their personnel records. By submitting a request to Human Resources employees may receive a copy of any information in their personnel record at no cost, with charges per page for additional copies at the same rate as Colorado Open Records Act (CORA) requests per the City's CORA Policy.

**Internal Accessibility**

Only administrative, management, supervisory personnel with a need to know may review an employee's personnel record, with Human Resources approval.

- All other requests for personnel records will be released in accordance with CORA.
- Information provided pursuant to a request for an employee reference shall be limited to the dates of employment, classification history, and salary information. Any requests for additional information should be directed to Human Resources.

**Changes in Personal Information**

Employees are responsible for notifying Human Resources within five (5) working days of any change in name, address and/or telephone number. Employees are encouraged to also update any changes in their personal information through the Employee Self-Service System.

*Last revised: 01/2021 – 20-662*



**POLICY AND PROCEDURE # 35**  
**CHARITY DRIVES AND EMPLOYEE SOLICITATION**

The City recognizes that many employees wish to share with others who are in need. Within limited conditions, employee representatives and/or charitable organizations may be approved to conduct fundraising sales and campaigns or collect donations of disposable goods from City employees.

**Employee Giving Campaign**

The annual Employee Giving Campaign is the only charitable; fundraising effort authorized to solicit City employees in the workplace. The annual campaign shall raise and distribute funds to health and human charitable service agencies that provide direct, information and referral, education and/or advocacy services to residents in residents of their primary service delivery area of El Paso and Teller Counties in the following areas of need:

- Basic needs and self-sufficiency
- Early childhood and youth development
- Health and wellness
- Family support and safety

In addition to the Qualified Campaign Participants, the City will, through its campaign manager, process the distribution of payroll deductions to other employee-designated, charitable organizations defined under IRC Section 501(A) as described in 501(c)(3). Such designations to non-participating agencies shall be made only during the Employee Giving Campaign.

**Campaign Responsibilities**

**Employee Campaign Committee**

City and Colorado Springs Utilities (CSU) employee volunteers, who work with the campaign manager to plan, organize and conduct the annual Employee Giving Campaign. The co-chairs will be one senior manager each from the City and Colorado Springs Utilities.

The Employee Campaign Committee is responsible for an annual accounting of campaign expenses, which will be shared equally between the City and CSU. The Employee Campaign Committee will review and certify as Qualified Campaign Participants those organizations which request and meet the criteria for inclusion in the annual Employee Giving Campaign.

**Campaign Manager**

A Colorado Springs-based, non-profit organization which, at no cost to the City or CSU, works with the Employee Campaign Committee to plan, organize and conduct the annual campaign and to manage the distribution of received payroll deductions. Distributions of collected funds will be to designated Qualified Campaign Participants and other non-profits so designated by

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employees during the annual Employee Giving Campaign. Specific responsibilities are contained in the annual agreement between the City/CSU and the Campaign Manager.

### **Qualified Campaign Participants**

The Annual Employee Giving Campaign shall be open to two categories of health and human services, non-profit organizations that provide support to residents of El Paso and Teller counties.

- Umbrella organizations that have at least seven (7) member, charitable agencies that provide direct, education, information and referral and/or advocacy services to residents of El Paso and Teller counties, Colorado who are in need of health and human services.
- The City/CSU sponsored health and human service organizations that:
  - are supported by the City/CSU through the use of facilities or equipment or through the sharing of operating or maintenance funding
  - have a direct relationship to the City/CSU by providing enhanced services to the programs of the City/CSU; or
  - act as an agent of the City/CSU to operate, manage or administer a function of the City/CSU

All organizations must be charitable organizations as described in 501(c)(3) of the Internal Revenue Code.

### **Disposable Goods and/or Donations**

Department heads can authorize requests for charity drives or support of additional charitable activities that are confined within their departments.

Charitable organizations may request, through employee representatives or the Mayor, permission to collect disposable goods for distribution to the needy. Requests must be accompanied by written verification of the organizations 501(c)3 status and specific dates and location of collection efforts. Mayor, or designee, approval must be received prior to the placement of boxes for food, clothing, or toy donations in areas of City buildings accessible to the public and/or employees.

If several requests are received, a single box may list several agencies. Items placed in the box will be distributed among the agencies listed.

### **Fundraising Product Sales**

Except as authorized by the Mayor, an employee shall not solicit charitable contributions or sell goods and services for profit or charity on City time or property.

City employees often represent organizations that sell products as a part of their annual fundraising efforts. Although actual sales may not occur during the employees' normal work hours and may not disturb the work of fellow employees, notices of product sales or displays of the product may be placed in employee break rooms or other areas not accessible to the public.

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The City is not responsible for any loss of product or money that may result from the conduct of the sale on its premises.

Should such product sales or fundraising events become disruptive to the conduct of official City business, the Chief/Deputy Chief may disallow such product sales.

No private, for-profit organization may solicit employees of the City of Colorado Springs for the purpose of offering product sales or membership/product discounts.

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**POLICY AND PROCEDURE # 36**  
**BULLETIN BOARDS**

Each Department shall designate official bulletin boards in sufficient numbers to assure that all employees have daily access to posted information. Each employee is required to read and/or have knowledge of information that is posted on official bulletin boards.

Bulletin boards within common areas of public access are designated official City bulletin boards. Information posted on official bulletin boards must pertain to official City business or activities.

If a department chooses, it may provide bulletin boards mounted in non-public areas, such as cafeterias and breakrooms, for the limited purpose of posting announcements or notices of community events and activities and/or announcements of an upcoming event or sale, as well as official announcements. The department may establish further limitations for the posting of such items.

No posted notice or message may promote a personal opinion or a political, illegal or offensive agenda or material.

**Electronic Bulletin Boards/Electronic Classified**

If a department chooses, it may establish electronic bulletin boards for official use and/or for Postings that are limited to announcements or notices of community events or of an upcoming event or current event or sale. The department may establish further limitations for the posting of such items.

No posted notice or message may promote a personal opinion, political, illegal or offensive agenda or material.

*Last revised: 4/17*

**POLICY AND PROCEDURE # 37**  
**EMPLOYEE GROUPS**

**Employee Groups**

An employee may not be prohibited from, or coerced into, joining an employee group. An employee group, or any member thereof, may not solicit membership or conduct business meetings on City time.

An Employee Group is defined as any organization that is comprised of City employees whose primary purpose is to interact with City Management on employer-employee matters for the betterment of the work environment. Whether a group qualifies as an employee group will be determined by the Police or Fire Chief, or designee.

An employee group may, however, with the prior approval of the Chief utilize the following in accordance with City policy:

- City buildings or facilities after work hours to conduct business meetings.
- Interoffice mail system.
- Bulletin boards.

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**POLICY AND PROCEDURE # 38**  
**SEARCH AND SEIZURE**

An employee may be subject to a search involving work site, a City-assigned piece of equipment or property, and other items within their personal possession in certain circumstances while on City-owned or City-leased property to the extent allowed by law. During such a search, City property in the unlawful or unauthorized possession of the employee may be confiscated.

*Last revised: 4/17*

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**POLICY AND PROCEDURE # 39**  
**EMPLOYEE RESPONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES**  
**FOR BUSINESS USE**

City Vehicles shall be used for official City business only. A vehicle operator using a City vehicle must possess a valid, appropriate Colorado Driver's License.

**General Provisions**

An employee whose driver's license is suspended, denied, canceled, or revoked by the State of Colorado must immediately notify their supervisor in writing and cease operating under said license.

An employee must report any ticket that impacts the employee's ability to perform the job and any DUI/DWI to the immediate supervisor within 24 hours of receipt.

Vehicles are to be operated by employees except for those instances involving:

- An emergency situation
- Operations necessary to support repairs and /or servicing.
- As authorized by Fleet Management

Unless authorized by the Chief/Deputy Chief, City owned vehicles shall only be used to transport passengers who are City employees or individuals engaged in official City business.

Employees operating a City-owned vehicle within the course and scope of their employment are covered by the City's liability insurance program. Employees operating a personal vehicle on City business are responsible for maintaining automobile liability insurance coverage that meets the Financial Responsibility Law of Colorado. Proof of such insurance should be maintained with the vehicle.

The City does not provide insurance coverage for damage to personal vehicles while utilized for City business. The City is not responsible for the loss or damage to any personal property that is in the vehicle.

An employee in violation of this policy or transporting a non-City employee could be held personally liable for damages in the event of a vehicle accident.

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SWORN PPM POLICY AND PROCEDURE # 39  
EMPLOYEE RESPONSIBILITIES FOR CITY-OWNED AND PERSONAL VEHICLES  
FOR BUSINESS USE

The City is not responsible for the loss or damage to any personal property that is in City owned or privately owned vehicles.

Traffic citations received while operating a vehicle on City business are the responsibility of the employee unless it can be shown the City has responsibility.

*Last revised: 1/18*

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**POLICY AND PROCEDURE # 40  
OTHER EMPLOYMENT**

Employment with the City of Colorado Springs is considered to be an employee's primary job. In accordance with Department procedures, any supplemental employment is secondary and subject to the review and approval of the Chief.

**Employment Restrictions**

An employee may not hold simultaneous positions with the City, or any entity that is owned by the City and/or operates under the auspices of the City Council, if the combined hours exceed 40 hours per week. An exception, as defined by the Fair Labor Standards Act, is occasional, sporadic part-time employment. Examples of this type employment are sports officials or instructors. The part-time employment cannot be in the department of the employee's regular assignment.

An individual under contract with the City or Colorado Springs Utilities may not become or remain an employee of the City or the Colorado Springs Utilities.

The City will not employ individuals who cannot establish proof of their legal right to work within the United States.

**Extra Duty**

In accordance with the provisions of the Fair Labor Standards Act, an employee may be engaged by a separate and independent employer in fire protection, law enforcement or related activity. Such employment is voluntary and the hours worked do not combine to form a joint employment relationship with the City of Colorado Springs. The Mayor shall establish the hourly rate to be charged to the business or activities hiring Police and Fire Personnel for extra duty. Such rate may include an administrative fee.

*Last revised: 4/17*

**POLICY AND PROCEDURE # 41**  
**NEPOTISM**

An applicant or employee shall not receive preferential consideration because of a relationship to another employee. Specifically, no two members of an immediate family (parent, guardian, child, brother, sister, grandparents, and grandchild, including these relatives in-law, step or half, or any other family member residing in the employee's household), excluding a partner in marriage pursuant to the provisions of the "Uniform Marriage Act, "Part 1 of Article 2 of Title 14 or Colorado common law; or a partner in a civil union pursuant to the "Colorado Civil Union Act," Article 15 of Title 14 ("Spouse") or two people who plan to be married, shall be employed in a direct supervisory relationship.

Nothing prevents spouses or two people who plan to be married from working for the City, or same unit, except in the following circumstances:

- One spouse directly or indirectly exercises supervisory, appointment, or dismissal authority or disciplinary authority over the other spouse.
- One spouse would audit, verify or receive, or be entrusted with monies received or handled by the other spouse.
- One spouse has access to the other spouse's confidential information, including payroll and personnel records.
- Should marriage or any other event cause a violation of this policy, either employee must, within 90 days, secure other employment which does not violate this policy or resign.

The application of this policy will apply prospectively; therefore, current employees in assignments which violate this policy are exempt from its application in their current positions. If an employee seeks a transfer or promotion, the new assignment cannot put the employee in greater conflict of this policy, than they have in their current position.

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**POLICY AND PROCEDURE # 42**  
**Tools and Equipment (Personal Usage of City-Owned)**

With an exception for the limited use of office equipment and telephones, employees may not use City-owned tools, equipment, or shop facilities for personal, non-City business, use.

**Exceptions**

**Office Equipment**

At the discretion of the immediate supervisor, employees may be allowed the limited personal use of office equipment such as computers, mobile devices, fax machines, copiers, or other City equipment. City equipment may not be used for purposes related to other employment, employee owned outside businesses, or political activity.

**Telephones**

City telephone may be used for short, intermittent personal calls that do not result in charges to the City.

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**POLICY AND PROCEDURE # 43**  
**Visitor(s) in the Workplace**

The City of Colorado Springs allows visitors in the workplace on a limited basis. “Visitor(s)” for the purpose of this policy includes family members, friends, students, mentees, and other persons whose visits to City facilities are not for the primary purpose of conducting business with the City. Facility security protocols and department specific policies address visits to City facilities by customers, vendors, and/or job candidates.

When receiving Visitors in the workplace, employees must ensure there will be no negative impact to the workday and no disruption to City operations or to other employees in the performance of their daily job duties. To protect the safety and welfare of employees and guests, Visitors should generally be escorted by a City employee at all times while in City facilities when not in a public area.

Visitors cannot be left alone in City facilities, and cannot be left with employees that they are not there to visit.

Minors that visit the workplace of sworn personnel must be accompanied by an adult Visitor in case the employee is called away suddenly.

The Department Director or Chief may make an exception to this policy in consultation with Human Resources.

This policy does not replace ridealong policies. Employees should refer to internal departmental policies for guidelines on ridealongs and other department specific information.

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